

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6281 for Final Plat Application No. PLT09-0007		Date: November 23, 2009	
Department: Planning, Building and Community		Attachments: (See Exhibit list below and Exhibits)	
Budget Impact:			
Administrative Recommendation:			
City Council to introduce and adopt Ordinance No. 6281.			
Background Summary:			
<p>Tom Brown, Land Development Manager of Centex Homes, applicant, has made application for the Final Plat of "Trail Run, Division No. 3". The plat received preliminary plat approval for two phases under the project name of "River Sand". The applicant is now proposing three divisions of the final plat.</p> <p>As it is now known, "Trail Run" received preliminary plat approval for the subdivision of a 40.9-acre site into 172 single-family lots and one multiple family lot for 115 dwelling units. The subdivision request also included 19 tracts associated with the Planned Unit Development (PUD). The property is located south of South 277th Street the in the 1200-1700 block and west of the Green River.</p> <p>Division No. 1, consisting of the multiple family residential lot and 71 of the single-family lots received final plat approval by Ordinance No. 6135 in November of 2007. Division No. 2 consisting of 50 single family residential lots received final plat approval by Ordinance No. 6203 on September 15, 2008. The proposed Division No. 3 consists of 48 standard (not alley-loaded) lots and is located within the southeast portion of the site. This final plat also includes 3 tracts. The City requires that each phase stand-alone pursuant to Auburn City Code (ACC) Section 18.69.110 (subsequently repealed).</p> <p>The preliminary plat was approved by the City Council on December 5, 2005 by Resolution No. 3952. Concurrently with the preliminary plat approval, the property was rezoned to the City's PUD, Planned Unit Development zoning designation by Ordinance No. 5971. The plat has been developed in accordance with the PUD, Planned Unit Development zoning district as defined by ACC, Section 18.69 (subsequently repealed), Subdivision Code (Title 17) (subsequently amended) and conditions of the conditions of the plat and PUD.</p> <p>L1207-1 O3.5 PLT09-0007</p>			
Reviewed by Council & Committees: <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>	
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____ <div style="text-align: right;">Call for Public Hearing ____/____/____</div>			
Councilmember: Norman		Staff: Baker	
Meeting Date: December 7, 2009		Item Number: VIII.A.2	

A financial security in lieu of completion of all of the plat has been provided to the City. The City Engineer has signed the Certificate of Improvements accepting the security in lieu of the applicant completing all of the infrastructure improvements.

Prior to City representatives signing and recording of the final plat, some minor changes are needed to the face of the plat. The City will not sign the Final Plat drawings until all changes have been completed.

Attached are the following Exhibits:

Exhibit 1 - Final Plat (map, 6 pages)

Exhibit 2 - Completed Final Plat Application Form

Exhibit 3 - Proposed Ordinance No. 6281 (approving the Final Plat of Trail Run, Division No 3.)

Exhibit 4 - Resolution No. 3952, previously approving the Preliminary Plat of River Sand

Exhibit 5 - Ordinance No. 5971, previously approving the rezone to PUD, Planned Unit Development

Exhibit 6 - Mitigated Determination of Non-Significance (MDNS), File No. SEP04-0037

Exhibit 7 - The City Engineer's Certificate of Improvements

ORDINANCE NO. 6281

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE FINAL PLAT OF TRAIL RUN, DIVISION NO. 3

WHEREAS, the City of Auburn received a final plat application for the Plat of Trail Run, Division No. 3, Application No. PLT09-0007 the final approval of which is appropriate for City Council Action;

WHEREAS, based on the review given this Plat by the City, the City Council hereby makes and enters the following:

FINDINGS OF FACT

1. Centex Homes, represented by Tom Brown, has requested final plat approval of Trail Run, Division No. 3 and all applicable conditions have been met.
2. The preliminary plat was approved by the City Council on December 5, 2005 by Resolution No. 3952. The preliminary plat was approved with two proposed divisions. With this application the applicant is revising the proposal to include three divisions. The plat has been developed in accordance with the PUD, Planned Unit Development zoning district.
3. A Certificate of Improvements has been issued by the City Engineer, accepting all required plat improvements.
4. The applicant has dedicated a 1.70-acre (74,241 square foot) parcel of land to the City of Auburn for park development associated with the first phase of the plat (Division No. 1). The applicant has also dedicated 0.92 acres (40,155 square feet) within six tracts as a lineal park/open space within the first phase (Division No. 1). The balance of the park dedication Tract P, 1.47 acres (63,978 sq ft.) is proposed with this Division No. 3.

CONCLUSIONS OF LAW

1. The Final Plat is in compliance and in conformity with applicable Zoning and Land Division Ordinances and other applicable land use controls.
2. The Plat is consistent with the Comprehensive Plan.

3. The Plat meets the requirements of Chapter 58.17 RCW.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Approval. Trail Run Division No. 3, a subdivision involving property located within the City of Auburn, Washington, which plat is legally described on Sheet 2 of 6 of the Final Plat and set forth in Exhibit "A," attached hereto and incorporated herein by reference, is hereby approved, and deemed to conform to the requirements for Plat approval pursuant to State and local law and Chapter 58.17 of the Revised Code of Washington and Section 58.17.140 thereof.

Section 2. Constitutionality or Invalidity. If any section, subsection clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 3. Recordation. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Records, Elections and Licensing Services Division.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

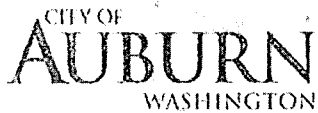
Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____



Planning, Building, and Community Department

MASTER LAND USE APPLICATION – PLANNING APPLICATIONS

Project Name Trail Run (formerly River Sand P.U. D.) Date August 17, 2009
 Parcel No(s) Lot 172 Trail Run - Division 2 Site Address S. 277th St. & "I" St. NE
 Legal Description (attached separate sheet if necessary) Attached

Applicant Name: Centex Homes Mailing Address: 11241 Slater Avenue, Ste. 100, Kirkland, WA 98033 Telephone and Fax: 425.216.3400, 425.216.3401 Email: tbrown@centexhomes.com Signature: <i>Thomas D. Brown</i>	2009 AUG 26 PM 5 19 RECEIVED BY PERMIT CENTER
Owner (if more than one attach another sheet) Name: Centex Homes Mailing Address: 11241 Slater Avenue, Ste. 100, Kirkland, WA 98033 Telephone and Fax: 425.216.3400, 425.216.3401 Email: tbrown@centexhomes.com Signature: <i>Thomas D. Brown</i>	
Engineer/Architecture/Other Name: Northern Pacific Consulting Engineers Mailing Address: 413 29th Street NE, Ste. C, Puyallup, WA 98372 Telephone and Fax: 253.611.3083, Email: bmcldowell@npeng@live.com	
Description of Proposed Action: Final Plat Approval, Phase III	

Type of Application Required (Check all that Apply)	
<input type="checkbox"/>	Administrative Appeal*
<input type="checkbox"/>	Administrative Use Permit*
<input type="checkbox"/>	Annexation*
<input type="checkbox"/>	Boundary Line Adjustment
<input type="checkbox"/>	Comprehensive Plan Amendment (Text or Map)*
<input type="checkbox"/>	Conditional Use Permit*
<input type="checkbox"/>	Critical Areas Variance*
<input type="checkbox"/>	Development Agreement*
<input type="checkbox"/>	Environmental Review (SEPA)*
<input checked="" type="checkbox"/>	Final Plat
<input type="checkbox"/>	Preliminary Plat*
<input type="checkbox"/>	PUD Site Plan Approval
<input type="checkbox"/>	Reasonable Use Exception*
<input type="checkbox"/>	Rezone (site specific)* Area Wide
<input type="checkbox"/>	Short Plat
<input type="checkbox"/>	Special Exception*
<input type="checkbox"/>	Special Home Occupation Permit*
<input type="checkbox"/>	Substantial Shoreline Development*
<input type="checkbox"/>	Surface Mining Permit*
<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Variance*
*Please note that public notification is required. A separate cost is charged for the signs. City prepares signs but applicant responsible for sign posting.	

**TRAIL RUN DIVISION 3 FINAL PLAT
LEGAL DESCRIPTION**

LOT 172, TRAIL RUN DIVISION 2, ACCORDING TO THE PLAT THEREOF,
RECORDED IN VOLUME 249 OF PLATS, PAGES 12 THROUGH 17, INCLUSIVE,
IN KING COUNTY, WASHINGTON

RESOLUTION NO. 3952

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING A PRELIMINARY PLAT APPLICATION FOR A 173 LOT RESIDENTIAL SUBDIVISION KNOWN AS RIVER SAND AND A PLAT MODIFICATION WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, Application No. PLT04-0006, dated April 14, 2004, has been submitted to the City of Auburn, Washington, by Rob Purser on behalf of Centex Homes, requesting preliminary plat approval for a 173 lot Single-Family and Multiple-Family Residential subdivision known as River Sand; and

WHEREAS, said request referred to above was referred to the Hearing Examiner for study and public hearing thereon; and

WHEREAS, pursuant to staff review, the Hearing Examiner conducted a public hearing to consider said application in the Council Chambers of the Auburn City Hall on August 16, 2005, of which the Hearing Examiner recommended that there is not enough information to make a written recommendation on the request for approval of the rezone to PUD and approval of the preliminary plat. For this reason, the Hearing Examiner recommends that the requests be remanded to the Planning and Community Development Department to allow the Applicant to submit the following additional information:

1. A plan to provide more definite information on a second general access for the proposed access that complies with Comprehensive Plan Policy TR-13. The plan should be more certain than the plan presently submitted by the Applicant.

2. A traffic impact analysis that addresses the binding site plan (PUD Exhibit 11), and addresses the different access scenarios that could occur.
3. Current traffic level of service information to ensure the proposed project complies with Comprehensive Plan Policies TR-17 and TR-18.
4. A reconfiguration of dedicated park land such that Tracts A through G are not considered dedicated park land.

The Hearing Examiner recommendation also states that if the information is submitted to the satisfaction of the Planning Director, the Hearing Examiner will re-hear those portions of the application. If the Applicant is unable to submit the information to the satisfaction of the Planning Director, the Hearing Examiner recommends that the requests for plat and PUD be denied; and

WHEREAS, at its regular meeting of November 7, 2005, the City Council voted to conduct a closed record hearing on the Hearing Examiner's recommendations; and

WHEREAS, a closed record hearing was held November 18, 2005, at which time the City Council considered the Hearing Examiner's recommendations and the material presented to the Hearing Examiner after which the Council voted to approve Application No. PLT04-0006 with the conditions recommended by staff as well as two additional conditions to eliminate lot number 169 lot and re-orient lots 167 and 168 to front onto P Street NE and to provide physical features to define the separation between the

tracts containing the linear trails and the adjacent lots as approved by the Parks Director.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The following Findings and Conclusions are herewith approved and incorporated in this Resolution.

Section 2. The request for preliminary plat approval and a plat modification to reduce the amount of park land dedication for a 173 lot Single-Family and Multiple-Family Residential subdivision known as River Sand within the City of Auburn, legally described in Exhibit "A" attached hereto and incorporated herein by this reference, is hereby approved subject to the following conditions:

1. Lot No. 169 shall be eliminated and Lots No. 167 and 168 shall be re-oriented to front on the plat's internal public street identified as "P Street NE" and the adjacent access tract shall be eliminated.
2. Prior to Final Plat approval the Applicant shall submit a plan for review and approval by the Parks Director to provide a separation, using such features as short fences, rockeries and mow strips, between the residential Lots 1-34, Lot 68 and the adjacent dedicated park land tracts, (Tracts B, D, and F). The requirement to maintain the separation shall also be addressed by the required legal instrument setting forth the permanent care and maintenance of open spaces and park land.
3. Prior to final plat approval, the Applicant shall secure JARPA approval from the Army Corps of Engineers to relocate the north-south drainage ditch and associated easement located within the western one-third of the site as shown on the plat.
4. The Applicant shall submit a legal instrument setting forth a plan or manner of permanent care and maintenance of open space, recreational

areas, private roads, park land, and other communally-owned facilities. No such instrument shall be acceptable until approved by the city attorney as to its legal form and effect. Common spaces shall be guaranteed by a restrictive covenant describing that the space, its maintenance, and improvement are appurtenant to the land for the benefit of the residents of the planned unit development and adjoining property owners. The final plat shall grant easements to the City of Auburn in all private open space and park land tracts so that the City may perform maintenance in the event of improper maintenance by the homeowners' association. All maintenance shall adhere to City of Auburn standards.

5. Prior to final plat approval, traffic calming devices shall be financially guaranteed for installation on 50th and 51st Streets NE. Traffic calming methods and design must be approved by the City Engineer prior to final plat approval.
6. Prior to issuance of construction approvals, the Applicant shall prepare a sight distance plan for review and approval by the Planning and Public Works Directors. The plan shall document the sight distance triangles at all intersections and corners and shall define measures to ensure maintenance and protection of sight distances within lots and tracts, including easements. This may result in minor changes to the plat design to ensure that all applicable requirements are satisfied.
7. The Applicant shall prepare a Final Landscaping Plan that demonstrates that all landscaping in the public rights-of-way, storm drainage tracts, and open space tracts conform to City standards. The plan must demonstrate conformance with standards for acceptable tree types and root barriers, etc., and must also show coordination with utility and road improvements. The plan must also include maintenance and conform the standards in ACC 18.50.070. The Applicant shall provide root deflection devices or similar mechanisms for all trees planted within five feet of curbs, sidewalks, or pavement to ensure mature trees does not contribute to pavement deterioration. Care should be taken by the Applicant to account for individual lots' ingress and egress when defining the location of proposed street trees. The landscaped median of "M" Street NE shall be the responsibility of the homeowners' association and be included in the landscaping maintenance plan. The plan must be approved by the Planning Department prior to final plat approval.

8. In order to meet subdivision requirements of ACC 17.12.260 related to dedication of recreation land and based on the submitted preliminary plat, the applicant shall either;
 - a. Dedicate 4.85 acres of land generally in the location identified as Tracts O & P on the Preliminary Plat, by DBM Engineers, dated 5/25/05 and in a configuration acceptable to the Parks Director; or,
 - b. Alternatively, the City will accept the lesser dedication of 4.0 acres within the areas identified as Tracts A-G, O & P on the Preliminary Plat, by DBM Engineers, dated 5/25/05. The remainder of the required land (0.85 acres) to meet the recreation land dedication standard shall be in the form of a voluntary agreement with the City, acceptable to the City of Auburn Parks Director, to provide a fee-in-lieu of dedication estimated to be the amount of \$141,312.50. The estimated calculation is based on the currently proposed 287 dwelling units and a formula of: community parks development cost of (\$166,250.00 per acre) X 0.85 acres. The actual amount shall be paid prior to final plat approval for each phase, shall be based on the number of units / lots proposed for each final plat application.
9. The linear trail Tracts A through G, as identified on the Preliminary Plat, by DBM Engineers, dated 6/28/05 shall be maintained by the developer and/or the home owner's association as a condition of the final plat. The maintenance schedule and responsibilities shall be identified in the CCR's whose language shall be reviewed and approved by the Parks Director prior to final plat approval and recording. A maintenance easement shall be provided on the final plat.
10. The developer agrees to and shall be responsible for construction of a play area featuring a minimum of nine (9) play events to accommodate over thirty-five (35) children. In a space whose minimum fall zone is 1,050 square feet, 1/2 basketball court, irrigation system, and landscaping in Tract O. The materials supplied and installed must meet the current Park Department standards as supplied by the Parks Director prior to installation and final plat approval.
11. As part of the engineering/construction drawings that are typically submitted for construction of the subdivision there shall also be submitted engineering/construction drawings for the construction of park improvements in Tract "O". The park improvements shall be approved

by the City of Auburn Parks Director prior to the approval of the construction drawings for the plat. The materials supplied and installed must meet the current City Parks Department standards and be approved by the Parks Director prior to installation and final plat approval.

12. To address the impacts from the project's new impervious surfaces, the Applicant shall comply with one of the following prior to final plat approval:

- a. Storm drainage facilities shall be constructed on-site to limit the off-site discharge for the post-developed 100-year flow to less than 7.2 cubic feet per second (cfs). 7.2 cfs is the capacity of downstream culvert number four that would be overwhelmed from the storm water generated by the project in the event of a 100-year storm and saturated ground. Culvert number four is a 24-inch storm drainage culvert located within the King County right-of-way of 86th Avenue South approximately 800 feet north of 86th Avenue South's intersection with South 277th Street.
- b. The Applicant shall secure approvals from the appropriate agencies for replacement of downstream culvert number four. The replacement culvert must have a minimum capacity of 93 cubic feet per second to correspond with the combined capacity of the tributary culverts located upstream. Culvert number four is a 24-inch storm drainage culvert located within the King County right-of-way of 86th Avenue South approximately 800 feet north of 86th Avenue South's intersection with South 277th Street.
- c. The Applicant shall secure approvals from the appropriate agencies to provide an alternate downstream storm drainage route terminating in the Green River. The Applicant shall demonstrate to the satisfaction of the City Engineer that the alternate drainage route has adequate hydraulic capacity to convey the post-developed 100-year flow with saturated ground prior to construction authorization. The Applicant shall demonstrate to the satisfaction of the City that the alternate drainage route would have no adverse environmental effects.

13. Pedestrian/ornamental street lights shall be installed by the Applicant along the interior streets and sidewalks of the plat. The style of the lights shall be consistent with City standards or be an ornamental style similar to the "Whatley, Washington Series 405 fluted fiberglass pole with acorn-

style post-top fixture" as submitted in the preliminary plat application. The City Engineer shall review the spacing and location of the lights to ensure that adequate lighting is provided along the surface of all streets and any adjacent sidewalks.

14. Home designs shall be consistent with the drawings entitled "Multiple Family Housing Elevations and Floor Plans," and "Single Family Housing Elevations and Floor Plans," both dated March 11, 2004 as submitted as part of the preliminary plat application. Home exterior colors shall be consistent with "Color Palette, Homescapes, Sherwin Williams, 2002," as submitted as part of the preliminary plat application, except that the "Bright and Bold" color scheme shall not be used.
15. The final landscape design shall be generally consistent with the preliminary landscaping plan as submitted by the Applicant as part of the preliminary plat application. The project will also require furniture in the open space areas, and coordinated fencing and entrance signs. Bench furniture and fencing shall be generally consistent with those designs submitted as part of the preliminary plat application. Furniture and fencing shall be of consistent design and material throughout the project. Any entrance signs shall be a low monument style with landscaping accents. The number of signs, their style, placement, and landscaping shall be approved by the Planning Director prior to final plat approval.
16. The Applicant has proposed that Lots 1 through 67 shall be accessed only through an alley. The final plat shall include a requirement that Lots 1 though 67 shall be developed as alley-loaded lots unless the Applicant documents and demonstrates to the satisfaction of the Planning Director that market demand for this housing style does not exist. In the event that a lack of market demand is sufficiently demonstrated, a reduced number of alley-loaded lots will be required for Lots 35 through 67 only.
17. Prior to the issuance of clearing and/or grading permits subsequent to permit No. GRA04-0025 issued August 27, 2004, the Applicant shall furnish the City of Auburn City Engineer and appropriate City of Kent staff person with a proposed haul route and schedule for hauling soil material to and/or from the site for review and approval by both entities. If, in the opinion of the city representatives, such hauling will adversely impact the street network, hauling hours may be coordinated and limited to appropriate off-peak hours or alternative routes. The haul route plan shall also include a traffic control plan for approval by the City of Kent and the City of Auburn. The Applicant shall submit a Haul Route Plan

prior to Phase I final approvals to avoid any traffic impacts generated by truck trips during the construction and grading phases.

18. The recommendations of the geotechnical report "Geotechnical Report River Sand "I" Street NE and South 277th Street," by Terra Associates, Inc., dated February 4, 2004 (attached as Plat Exhibit 19) and/or other subsequent site specific soils or geotechnical reports shall be incorporated into clearing, grading, and other appropriate construction plans subsequent to permit No. GRA04-0025 issued August 27, 2004, as determined by the City Engineer. Special consideration shall be given to the recommendations for storm pond design identified in the geotechnical report.
19. The Applicant's grading plans subsequent to permit NO. GRA04-0025 issued August 27, 2004 shall be prepared in conjunction with and reviewed by a licensed geotechnical engineer. The geotechnical engineer shall develop and submit, for the City's review, specific recommendations to mitigate grading activities giving particular attention to developing a plan to minimize the exposure of on-site soils and address grading and related activities during wet weather.
20. A licensed geotechnical engineer shall monitor on-site rough/preliminary plat grading activities subsequent to permit No. GRA04-0025 issued August 27, 2004 to ensure that the recommendations of the preliminary geotechnical report and any additional conditions or requirements are implemented. Based on recommendations of the geotechnical report, the geotechnical engineer should review final design and specifications to verify that earthwork and foundation recommendations have been properly interpreted and implemented in the project design. The geotechnical services to be provided during construction are to observe compliance with the design concepts, specifications, and geotechnical report recommendations.
21. Upon completion of rough grading and excavation, a geotechnical engineer shall re-analyze the site and determine if new or additional mitigation measures are necessary. If warranted, a revised geotechnical report shall be submitted to the City of Auburn for review and approval by the City Engineer.
22. Prior to the placement of fill in addition to that authorized by permit No. GRA04-0025 issued August 27 2004, the City Engineer shall approve the source of the imported fill material for all structural fill and other fill activities. Compaction monitoring and testing shall be required for all fill

areas, both structural and non-structural for City review. Compaction reports for structural fill shall be provided to the City Engineer for review prior to acceptance.

23. Prior to issuance of grading permits subsequent to permit No. GRA04-0025 issued August 27, 2004, a wetland hydroperiod analysis shall be submitted to the City for review and approval. The analysis shall include a pre-developed analysis of the existing hydrologic volume tributary to the wetlands, and post-developed volumes from tributary areas directed to the wetlands. A wetland biologist shall be consulted to verify the appropriate hydrologic support necessary to maintain existing wetland's function and value. If augmentation is warranted to reduce or avoid impacts, rooftop drainage or other acceptable means can be directed to the wetlands at a volume approximating existing conditions to maintain hydrologic support of the wetlands. A monitoring plan/program shall also be developed for City review and approval. The Department of Ecology's Stormwater Management Manual for Western Washington (2001) will provide guidance for performing the wetland hydroperiod analysis, information on maximum acceptable hydroperiod alterations, recommendation for reducing development impacts on wetland hydroperiod and water quality, recommendation for flow control and treatment for stormwater discharges to wetlands and recommendation for post-development wetland monitoring.
24. Prior to approval of the grading permit subsequent to permit No. GRA04-0025 issued August 27, 2004, (or approval of half-street improvements to S 277th Street unless it is demonstrated to the satisfaction of the Planning Director that the half-street improvements will not result in wetland filling) a final wetland mitigation plan shall be prepared and submitted for review and approval by the Planning Director and Public Works Directors. The plan shall be approved prior to the issuance of the subsequent grading permits or other construction permits. If applicable, the plan shall identify the amount of wetland impact associated with half-street improvements to S 277th Street and any associated wetland mitigation.

The plan shall include the proposed construction sequence, grading and excavation details, erosion and sedimentation control features needed, planting plans specifying species, quantities, locations size, spacing, and density, source of plant materials, propagules and seeds, water and nutrient requirements for plants and water level maintenance practices. Mitigation for reduction in wetland functions from the disturbance and increased proximity of development shall consist of enhancement of

wetland buffers. Wetland mitigation shall be provided in general accordance with recommendations identified in the report: "Conceptual Wetland Mitigation Plan of the River Sand Property", J.S. Jones and Associates Inc., January 26, 2005, as modified by the Final Staff Evaluation and MDNS. Major elements of the mitigation plan shall include:

- a. A final wetland mitigation plan, report and monitoring program, maintenance plan and contingency plan shall be submitted for review and approval in accordance with the recommendations of the delineation and conceptual mitigation reports, and as modified by the MDNS conditions and Final Staff Evaluation. The plans and supporting hydrologic analysis shall establish goals and objectives to monitor and measure the success of the wetland mitigation project.
- b. The wetland buffers shall be a minimum of fifty (50) feet in width for Wetland 1 and an average of twenty-five (25) feet in width for Wetland 2 and incorporate the following characteristics: areas of flattened slopes (ranging from 4:1 to 6:1 in gradient) adjacent to the wetland edge to provide habitat transition areas; and dense plantings of vegetation native to the northwest that will provide shade and cover for local wildlife. A maintenance plan for the buffer shall also be prepared and submitted concurrently for review and approval.
- c. The wetland enhancement areas shall be designed to include elements of water saturation (hydrology) and be vegetated with obligate, facultative wetland plants or facultative (hydrophytic) vegetation native to the Pacific Northwest. Trees and other vegetation designed to provide food and cover for local wildlife shall be included.
- d. The proponent shall as directed, be required to provide the Auburn Building Official with services of an approved biologist with expertise in wetland buffer enhancement, for purposes of inspecting wetland work activities on the City's behalf for conformance with approved plans and specifications. In addition, the biologist shall be retained for a minimum of five years following completion of all wetlands work to monitor the progress of the enhanced wetlands, and to inspect the replacement of unsuccessful plant and habitat materials in accordance with the approved plans. A minimum of biannual monitoring and inspection and annual reports, indicating achievement of goals

and objectives, and project status, shall be filed with the Planning Department throughout the five-year monitoring program, with a final report provided at the end of the monitoring program.

- e. Filling and grading of the site and wetlands mitigation work may occur concurrently. The mitigation construction shall be complete prior to issuance of final plat.
 - f. An appropriate security equivalent to 125 percent of the cost of all wetlands mitigation work shall be submitted to the Auburn Building Official prior to the issuance of grading permits, and shall be kept active for a minimum of five years following completion of all wetlands construction in an amount commensurate with the monitoring program and contingency plan. At the end of the monitoring program, the City shall release the security if remedial action is not required.
 - g. Following completion and acceptance of all wetlands mitigation work, no clearing, grading or building construction shall occur within the wetlands mitigation area, except as may be authorized by the City of Auburn for: protection of public health, safety and welfare; maintenance purposes, passive recreation improvements or contingency mitigation work.
 - h. The surveyed wetland area shall be clearly indicated on all construction plans approved by the City, indicating the purpose and any limitations on the use of the area. The boundary of the wetland shall be based on the wetland boundary confirmed by the Army Corps of Engineers (ACOE) by letter dated May 22, 2003 (reference: File No. 2002-4-00613) and its buffer shall be staked in 25-foot intervals. This staked line shall continuously remain in place and serve as clearing and construction limits throughout the project for all construction activities adjacent to the wetlands area, or as required by the City.
25. The purpose and intent of the following condition is to discourage the uncontrolled intrusion of humans into the mitigation area, provide a passive recreation opportunity, and to ensure long term protection. The following information and improvements shall be required by the Applicant:
- a. Interpretive signs shall be installed and maintained at 150-foot intervals along the boundary of wetland buffers. The signs shall

be constructed of a permanent and durable material and indicate the wetland restrictions related to the use of the area. The sign locations, construction details, and text shall be specified in final mitigation plan.

- b. The wetlands and wetland buffers shall be encumbered by a conservation easement granted to the City of Auburn. The easement shall state that any uses within the easement area shall be approved by the Planning Director. The uses shall be consistent with the purpose of the wetland and stream buffer and be a general benefit to the public. Evidence that the easement has been executed and recorded is required prior to issuance of any occupancy permits for the site.
26. Unless a FEMA map amendment is approved to eliminate on-site floodplain, prior to issuance of a grading permit authorizing fill placement in the floodplain the Applicant shall prepare and submit a Flood Compensation Plan. The plan shall demonstrate how compensatory flood storage will be provided for the project concurrently with site filling. The flood storage shall be provided incrementally as the flood stage rises from the seasonal low average, up to and including the 100-year flood elevation. The compensatory storage shall be provided at a ratio of one to one (displacement to replacement). The flood storage must be designed based on seasonal groundwater elevations with appropriate supporting analysis. The plan must be approved prior to issuance of a grading permit to fill the floodplain.
 27. Unless a FEMA map amendment is approved to eliminate on-site floodplain, the area of the compensatory flood storage and associated access shall be encumbered by a drainage easement granted to the City of Auburn. The easement shall state that any uses within this area shall be approved by the Planning and Public Works Directors. The easement language shall be prepared by the Applicant and approved by the City and shall convey maintenance and inspection access to the City. Evidence that the easement has been executed and recorded is required to be shown on the final plat.
 28. Prior to the issuance of a grading permit subsequent to permit number GRA04-0025 issued August 27, 2004 that includes excavation or disturbance of the existing ground surface elevation, the Applicant shall prepare a historic/cultural resources monitoring plan as recommended by the report "Archaeological and Historical Resources Survey of the Proposed River Sand PUD, King County, Washington," (Plat Exhibit 24).

The monitoring plan shall establish a protocol for the inadvertent discovery of human remains. The monitoring plan shall also detail what cultural materials may be expected on-site, qualifications of the on-site monitor, the authority of the on-site monitor to halt excavation/construction activities, a protocol for assigning significance to identified materials, and safety requirements for the monitor's activities. A copy of the report shall be provided to OAHP, the City of Auburn, and the Muckleshoot Tribe upon its completion. The Applicant shall demonstrate to the City of Auburn that the monitoring report recommendations have been addressed prior to commencement of any permitted excavation or disturbance of the existing ground surface elevation. Also, in accordance with the report's recommendations, an on-site monitor shall be present during excavation or disturbance of the existing ground surface elevation.

29. The intersection of "M" Street NE and South 277th Street shall include a temporary traffic signal. Prior to the issuance of the building permit for the 76th housing unit within the plat, the Applicant shall financially secure the completion of a second permanent access route consisting of the construction of a 24-foot wide paved roadway with adequate shoulder and storm drainage provisions along the east-west alignment of a new 49th/51st Street NE between "M" Street NE and the new "I" Street NE alignment. The Applicant shall also financially secure completion of the new "I" Street NE between 49th Street NE and South 277th Street, plus a wire span traffic signal at the intersection of the new "I" Street NE and South 277th Street. When the second permanent access is constructed, the temporary traffic signal at "M" Street NE and South 277th Street shall be removed and permanent channelization to City of Kent standards shall be installed in its place. The Applicant shall pay the City \$495,000, which in addition to the development's normal traffic impact fees, provides adequate funding to secure the second permanent access route improvements and related improvements. In the event the City's traffic impact fees are increased prior to payment of the \$495,000, the mitigation fee may be correspondingly decreased.
30. Notice of the future second permanent access route and the future intersection modifications shall be recorded on the face of the final plat and on each individual property title within the plat. In addition to this notice, adequate on-site signage of such future traffic improvements shall be provided as directed by the City.
31. At the time of plat construction, secondary emergency access shall also be provided to the plat from South 277th Street by means of the

establishment of emergency accesses a minimum of 20 feet in width from South 277th Street. These traffic accesses shall prohibit general traffic use through the use of gates or bollards to the satisfaction of the Fire Marshal. Fire lanes shall be posted in accordance with the Auburn City Code. Notice signs shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary by the homeowners' association to provide adequate visibility.

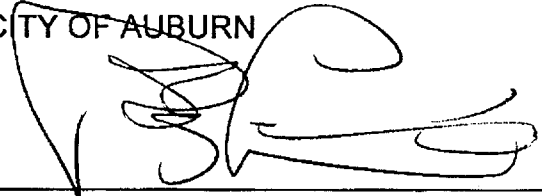
32. Prior to final plat approval, the Applicant shall financially secure the completion of a 12-inch of-site waterline for completion of the looping of waterlines to meet the Water Comprehensive Plan Level of Service criteria. The Water Comprehensive Plan Improvements would consist of approximately 1,200 linear feet of 12-inch waterline along the proposed extension of "I" Street NE from 45th Street NE to 49th Street NE and approximately 1,300 linear feet of 12-inch waterline along an east-west alignment of a new 49th/51st Street NE between the proposed new "I" Street NE alignment and the River Sands Development west property line. The Applicant shall pay to the City \$82,000, which combined with the development's normal System Development Charges, provides adequate funding to secure the water system improvements. In the event the City's Water System Development charges are increased prior to payment of the \$82,000, this mitigation fee may be correspondingly decreased.
33. The Applicant shall pay school impact fees to the Kent School District as dictated by the City of Auburn and the Kent School District's school impact fee agreement. The Applicant, the Cities, and the District shall agree on a method of providing safe bus stops prior to final plat approval, and the approved method shall be noted on the final plat map.
34. The project shall not at any time disturb or encroach upon the 200-foot shoreline buffer of the Green River.
35. The approval of the PUD is only valid upon the approval and execution by the Auburn City Council of the associated preliminary plat, File No. PLT04-0006.
36. Given the relatively narrow frontages of the proposed single-family residential lots and the impact on pedestrians (and wheelchairs) from elevation changes due to a series of closely spaced driveways, the local residential road cross section shown on the preliminary plat shall be revised to show the landscape planting strip abutting the curb on both sides of the street.

Section 3. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 4. This Resolution shall take effect and be in full force upon passage and signatures hereon.


Dated and Signed this 5th day of December, 2005.

CITY OF AUBURN



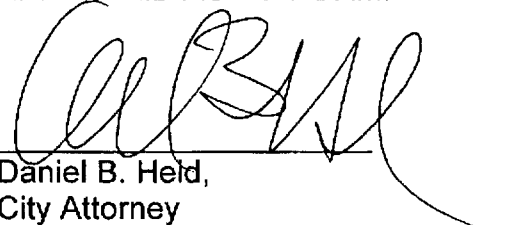
PETER B. LEWIS
MAYOR

ATTEST:



Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Held,
City Attorney

LEGAL DESCRIPTION

PROJECT NAME: River Sand PUD

PROJECT ADDRESS: Northeast and Southeast Quarters of Section 31, Township 22 North, and Range 05 East
South 277th Street and T' Street NE, Auburn

PROJECT PARCEL #: 000420-0023

THAT PORTION OF THE GEORGE E. KING DONATION LAND CLAIM (D.L.C.) NO. 40 IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A 6"X6" SANDSTONE MONUMENT MARKING THE SOUTHWEST CORNER OF THE R.H. BEATTY D.L.C. NUMBERS 37 AND 44;

THENCE SOUTH 89°00'01" EAST, ALONG THE SOUTH LINE OF SAID R.H. BEATTY D.L.C. AND THE NORTH LINE OF THE W.A. COX D.L.C. NO. 38, A DISTANCE OF 2,643.18 FEET TO A 2" DIAMETER CONCRETE-FILLED IRON PIPE MARKING THE SOUTHEAST CORNER OF SAID R.H. BEATTY D.L.C. AND THE NORTHEAST CORNER OF SAID W.A. COX D.L.C.;

THENCE, CONTINUING SOUTH 89°00'01" EAST, 638.43 FEET TO THE TRUE POINT OF BEGINNING;

THENCE, CONTINUING SOUTH 89°00'01" EAST, 1,617.39 FEET TO A POINT ON A LINE ESTABLISHED BY BOUNDARY LINE AGREEMENT RECORDED UNDER KING COUNTY RECORDING NO. 8110150749;

THENCE, ALONG SAID LINE, SOUTH 46°26'33" EAST 103.45 FEET;

THENCE, ALONG SAID LINE, SOUTH 34°19'49" EAST 211.01 FEET;

THENCE, ALONG SAID LINE, SOUTH 09°48'39" WEST 412.45 FEET;

THENCE, ALONG SAID LINE, SOUTH 01°43'38" EAST 263.60 FEET;

THENCE, ALONG SAID LINE, SOUTH 08°38'47" WEST 208.18 FEET;

THENCE NORTH 88°49'05" WEST 503.22 FEET;

THENCE NORTH 19°30'00" EAST 110.98 FEET;

THENCE NORTH 88°49'05" WEST 1,283.52 FEET;

THENCE NORTH 01°48'33" EAST, ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID COX D.L.C., 1,008.50 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF KENT FOR SOUTH 277TH STREET, DESCRIBED AS FOLLOWS:

BEGINNING AT SAID TRUE POINT OF BEGINNING;

THENCE, CONTINUING SOUTH 89°00'01" EAST, 1,617.39 FEET TO A POINT ON A LINE ESTABLISHED BY BOUNDARY LINE AGREEMENT RECORDED UNDER KING COUNTY RECORDING NO. 8110150749;

THENCE, ALONG SAID LINE, SOUTH 46°26'33" EAST 103.45 FEET;

THENCE, ALONG SAID LINE, SOUTH 34°19'49" EAST 60.80 FEET;

THENCE NORTH 79°05'59" WEST 581.27 FEET;

THENCE NORTH 88°59'57" WEST 1,156.72 FEET TO A POINT 20.00 FEET EAST OF THE EAST RIGHT-OF-WAY MARGIN OF "I" STREET NORTHEAST;

THENCE NORTH 01°48'33" EAST 20.00 FEET TO THE POINT OF BEGINNING OF THIS EXCEPTION;

SITUATE IN THE CITY OF AUBURN, COUNTY OF KING, STATE OF WASHINGTON.

Return Address:
Auburn City Clerk
City of Auburn
25 West Main St.
Auburn, WA 98001



20080328002411

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PAGE 001 OF 007
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KING COUNTY, WA

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RECORDER'S COVER SHEET

Document Title(s) (or transactions contained therein):

Hold Harmless Agreement

W 9017-12

⑦/48

Reference Number(s) of Documents assigned or released:

☐ Additional reference #'s on page _____ of document

Grantor(s)/Borrower(s) (Last name first, then first name and initials)

Auburn, City of

Grantee/Assignee/Beneficiary: (Last name first)

1. Centex Homes

Legal Description (abbreviated: i.e. lot, block, plat or section, township, range)

That portion of the George E. King Donation Land Claim Number 40 in Section 31, TWP 22 N, Range 5 E, WM

☒ Additional legal is on page 7 of document.

Assessor's Property Tax Parcel/Account Number

000420-0023

☐ Assessor Tax # not yet assigned

Said document(s) were filed for
record by Pacific Northwest Title as
accommodation only. It has not been
examined as to proper execution or
as to its affect upon title.

**HOLD HARMLESS AGREEMENT
FOR CONSTRUCTION OF IMPROVEMENTS BY AND BETWEEN
THE CITY OF AUBURN AND CENTEX HOMES**

THIS HOLD HARMLESS AGREEMENT, hereinafter also referred to as the "Agreement," is entered into effective on the 11th day of October, 2007, by and between the City of Auburn, hereinafter referred to as the "City," and Centex Homes, a Nevada general partnership, hereinafter referred to as the "Applicant," in connection with the real property described herein, for the purposes and on the terms and conditions set forth herein.

WHEREAS, the Applicant owns or controls certain real property located south of South 277th Street and west of the Green River, Auburn, WA, and described in Exhibit "A;" and

WHEREAS, the Applicant has received approval from the City for the preliminary plat of the Trail Run subdivision File No. PLT04-0006 and Resolution No. 3952 (Formerly known as Riversand) on the Property and has proposed and submitted applications for one or more building permits for foundations within said subdivision ("Building Foundation Permits"); and

WHEREAS, the Applicant wishes to construct said foundations prior to final plat approval so that construction can occur during summer and early fall,

NOW THEREFORE, for good and sufficient consideration and the mutual promises and covenants contained in this Agreement, the Applicant and the City agree as follows:

1. **Description of Property.** The real property ("Property") which is the subject of this Agreement is located in Auburn, Washington, and is more particularly described as set forth in Exhibit "A," attached hereto and incorporated by reference.
2. **Term of Agreement.** The term of this Agreement shall run from the date of execution set forth above till approval of the Final Plat of Trail Run or one year

from the date of execution, which ever shall come first.

3. **Warranty of Applicant's Authority.** The Applicant hereby warrants to the City that the Applicant is authorized to negotiate and execute this Agreement and to so bind the Property and all fee owners. The Applicant further warrants that the Applicant shall comply with all applicable federal, state and local codes and regulations related to any and all action involved herewith.
4. **No Subsequent City Approvals Implied.** The Applicant understands and agrees that the decision of how many Building Foundation Permits shall be issued is within the sole discretion of the City, that the Applicant is proceeding at its own risk in locating and/or constructing any building foundations, and that neither the City's issuance of one or more of the Building Foundation Permits, nor the Applicant's location and/or construction of one or more of the permitted building foundations, implies or guarantees that the City shall issue any future permits or approvals for the Property or the Trail Run Subdivision. Any need to remove, relocate and/or reconstruct any foundations because of a subsequent permit decision or other approval shall be solely the responsibility of the Applicant.
5. **Building Foundations to Conform to the Trail Run Final Plat.** The Applicant understands that the City will not approve any final inspections or occupancy permits out of compliance with the final plat or the Auburn City Code. The Applicant shall submit individual site plans conforming to the Applicant's anticipated final plat configuration as part of each application for a Building Foundation Permit submitted prior to final plat approval. Subsequent to approval of the final plat, the Applicant shall submit individual site plans conforming to the approved final plat as part of each application for a building permit to complete the remainder of the structure on the lots having building foundations. If the site plan submitted with the application to complete the structure does not conform to the final plat, the Applicant must rectify the situation by either securing a Boundary Line Adjustment pursuant to Auburn City Code 17.16, securing a Plat Alteration pursuant to Auburn City Code 17.22, or removing all or a portion of the

foundation to bring the site into compliance with the Auburn City Code. Variance applications shall not be accepted for said purpose.

6. **Hold Harmless and Indemnification.** The Applicant hereby agrees to protect, defend, indemnify and hold harmless the City of Auburn and its elected and appointed officials, agents, and employees from and against any and all damages, losses, penalties, settlements, costs, charges, attorney fees, or other expenses or liabilities of any kind, whether brought by the Applicant or a third party, and whether direct or indirect, in connection with, or as a result of, the City's approval or denial of Building Foundation Permits and any City actions related to development activities consistent with Building Foundation Permits issued under this Agreement, including claims based on any project delay allegedly relating to the City's review of any application for Building Foundation Permit for the Property or the Trail Run subdivision.
7. **Insurance.** The Applicant shall be responsible for maintaining, during the term of this Agreement and at its sole cost and expense, the types of insurance coverages and in the amounts described below. The Applicant shall furnish evidence, satisfactory to the City, of all such policies. During the term hereof, the Applicant shall take out and maintain in full force and effect the following insurance policies:
 - a. Commercial General Liability insurance, insuring the City (as an additional insured) and the Applicant against loss or damages arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Applicant's Commercial General Liability insurance policy with respect to the work performed pursuant to this Agreement, with minimum liability limits of \$1,000,000.00 combined single limit for personal injury, death or property damage in any one occurrence.
 - b. Such workmen's compensation and other similar insurance as may be required by law.
 - c. Automobile Liability insurance covering all owned, non-owned, hired and

leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

8. **Applicable Law.** This Agreement shall be governed by and be interpreted in accordance with the laws of the City of Auburn and the State of Washington.
9. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the successors of each party hereto.
10. **Modification.** This Agreement shall not be modified or amended except in writing signed by the City and Applicant or their respective successors in interest.
11. **Disclosure Upon Transfer.** The Applicant agrees that in the event of a proposed sale, gift, transfer, segregation, assignment or devise of the Property, the Applicant shall disclose the existence of this Agreement to the interested party.
12. **No Presumption Against Drafter.** Both parties to this Agreement have had the opportunity for this Agreement to be reviewed and revised by legal counsel, and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

IN WITNESS WHEREOF, the undersigned have set their hands the day and date set out next to their signatures.

CITY OF AUBURN

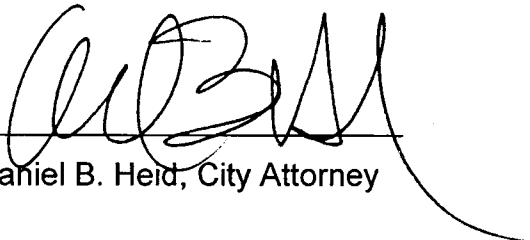


Peter B. Lewis, Mayor

Attest:

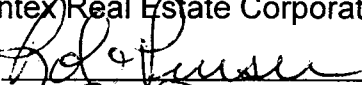

Danielle E. Daskam, City Clerk

Approved as to Form:


Daniel B. Heid, City Attorney

CENTEX HOMES, a Nevada general partnership

By: Centex Real Estate Corporation, a Nevada Corporation, Managing Partner

By: 

Name: Rob Purser

Title: Division President - Seattle

Exhibit 19

LEGAL DESCRIPTION

THAT PORTION OF THE GEORGE E. KING DONATION LAND CLAIM NUMBER 40 IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A 6" X 6" SANDSTONE MONUMENT MARKING THE SOUTHWEST CORNER OF THE R.H. BEATTY DONATION LAND CLAIMS NUMBERS 37 AND 44; THENCE SOUTH 89°00'01" EAST, ALONG THE SOUTH LINE OF SAID R.H. BEATTY DONATION LAND CLAIM AND THE NORTH LINE OF THE W.A. COX DONATION LAND CLAIM NUMBER 38, A DISTANCE OF 2,643.18 FEET TO A 2" DIAMETER CONCRETE-FILLED IRON PIPE MARKING THE SOUTHEAST CORNER OF SAID R.H. BEATTY DONATION LAND CLAIM AND THE NORTHEAST CORNER OF SAID W.A. COX DONATION LAND CLAIM; THENCE CONTINUING SOUTH 89°00'01" EAST 638.43 FEET TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING SOUTH 89°00'01" EAST, 1,617.39 FEET TO A POINT ON A LINE ESTABLISHED BY BOUNDARY LINE AGREEMENT RECORDED UNDER KING COUNTY RECORDING NO. 8110150749; THENCE ALONG SAID LINE SOUTH 46°26'33" EAST 103.45 FEET; THENCE ALONG SAID LINE SOUTH 34°19'49" EAST 211.01 FEET; THENCE ALONG SAID LINE SOUTH 09°48'39" WEST 412.45 FEET; THENCE ALONG SAID LINE SOUTH 01°43'38" EAST 263.60 FEET; THENCE ALONG SAID LINE SOUTH 06°38'47" WEST 208.18 FEET; THENCE NORTH 88°49'05" WEST 503.22 FEET; THENCE NORTH 19°30'00" EAST 110.98 FEET; THENCE NORTH 88°49'05" WEST 1,283.52 FEET; THENCE NORTH 01°48'33" EAST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID COX DONATION LAND CLAIM 1,008.50 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF KENT FOR SOUTH 277TH STREET, DESCRIBED AS FOLLOWS:

BEGINNING AT SAID TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 89°00'01" EAST, 1,617.39 FEET TO A POINT ON A LINE ESTABLISHED BY BOUNDARY LINE AGREEMENT RECORDED UNDER KING COUNTY RECORDING NO. 8110150749;
THENCE ALONG SAID LINE SOUTH 46°26'33" EAST 103.45 FEET;
THENCE ALONG SAID LINE SOUTH 34°19'49" EAST 60.80 FEET;
THENCE NORTH 79°05'59" WEST 581.27 FEET;
THENCE NORTH 88°59'57" WEST 1,156.72 FEET TO A POINT 20.00 FEET EAST OF THE EAST RIGHT-OF-WAY MARGIN OF I STREET NORTHEAST;
THENCE NORTH 01°48'33" EAST 20.00 FEET TO THE POINT OF BEGINNING OF THIS EXCEPTION;

SITUATE IN THE CITY OF AUBURN, COUNTY OF KING, STATE OF WASHINGTON.

N/2 - 31' x 100'
(110)

Return Address:
Auburn City Clerk
City of Auburn
25 West Main St.
Auburn, WA 98001



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KING COUNTY, WA

64.00

RECORDER'S COVER SHEET

Document Title(s) (or transactions contained therein):

Rezone (Planned Unit Development) (Ordinance No. 5971)

PUNT-W3306-12

33/64

Reference Number(s) of Documents assigned or released:

☐ Additional reference #'s on page ____ of document

Grantor(s)/Borrower(s) (Last name first, then first name and initials)

City of Auburn

Grantee/Assignee/Beneficiary: (Last name first)

1. Centex Homes

Legal Description (abbreviated: i.e. lot, block, plat or section, township, range)

Generally a portion of the George E King Donation Land Claim No. 40 in Section 31, Township 21 Range 5 E WM

☒ Additional legal is on page _33_ of document.

Assessor's Property Tax Parcel/Account Number

000420-0023

☐ Assessor Tax # not yet assigned

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or as to its affect upon title.

ORDINANCE NO. 5971

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING A REQUEST TO REZONE APPROXIMATELY 40.9 ACRES FROM MULTIPLE FAMILY RESIDENTIAL (R4) AND DUPLEX RESIDENTIAL (R3) TO PLANNED UNIT DEVELOPMENT (PUD) AND APPROVING THE REQUEST FOR A PLANNED UNIT DEVELOPMENT AND BINDING SITE PLAN

WHEREAS, Application No. PUD01-0004, dated April 14, 2004, has been submitted to the City of Auburn, Washington by Rob Purser on behalf of Centex Homes requesting approval of a rezone request for approximately 40.9 acres from Multiple Family Residential (R4) and Duplex Residential (R3) to Planned Unit Development (PUD) and requesting approval of a Planned Unit Development and Binding Site Plan in Auburn, Washington; and

WHEREAS, said requests referred to above were referred to the Hearing Examiner for study and public hearing thereon; and

WHEREAS, pursuant to staff review, the Hearing Examiner conducted a public hearing to consider said applications in the Council Chambers of the Auburn City Hall on August 16, 2005, of which the Hearing Examiner recommended that there is not enough information to make a written recommendation on the request for approval of the rezone to PUD and approval of the preliminary plat. For this reason, the Hearing Examiner recommends that the requests be remanded to the Planning and

Community Development Department to allow the Applicant to submit the following additional information:

1. A plan to provide more definite information on a second general access for the proposed access that complies with Comprehensive Plan Policy TR-13. The plan should be more certain than the plan presently submitted by the Applicant.
2. A traffic impact analysis that addresses the binding site plan (PUD Exhibit 11), and addresses the different access scenarios that could occur.
3. Current traffic level of service information to ensure the proposed project complies with Comprehensive Plan Policies TR-17 and TR-18.
4. A reconfiguration of dedicated park land such that Tracts A through G are not considered dedicated park land.

The Hearing Examiner recommendation also states that if the information is submitted to the satisfaction of the Planning Director, the Hearing Examiner will re-hear those portions of the application. If the Applicant is unable to submit the information to the satisfaction of the Planning Director, the Hearing Examiner recommends that the requests for plat and PUD be denied; and

WHEREAS, at its regular meeting of November 7, 2005, the City Council voted to conduct a closed record hearing on the Hearing Examiner's recommendations; and

WHEREAS, a closed record hearing was held November 18, 2005, at which time the City Council considered the Hearing Examiner's

recommendations and the material presented to the Hearing Examiner after which the Council voted to approve Application No. PUD04-0001 with the conditions recommended by staff; and two additional conditions consisting of:

1. Lot No. 169 shall be eliminated and Lots No. 167 and 168 shall be re-oriented to front on the plat's internal public street identified as "P Street NE" and the adjacent access tract shall be eliminated.
2. Prior to Final Plat approval the Applicant shall submit a plan for review and approval by the Parks Director to provide a separation, using such features as short fences, rockeries and mow strips, between the residential Lots 1-34, Lot 68 and the adjacent dedicated park land tracts, (Tracts B, D, and F). The requirement for separation shall also be addressed by the legal instrument setting forth the permanent care and maintenance of open spaces and park land.

FINDINGS OF FACT

1. The applicant, Centex Homes, has requested approval of a Planned Unit Development (PUD) for a single-family and multiple family subdivision on property that is located south of South 277th Street the in the 1200-1700 block and 20 feet easterly of the undeveloped right-of-way of "I" Street NE.
2. The project is proposed to consist of 172 single-family lots, one multiple family residential lot proposed to contain approximately 115 multiple family dwelling units and 19 tracts. The size of the single-family residential lots will range from approximately 3,230 square feet (Lots 19-33) to 7,922 square feet (Lots 142 & 143). Since the project is proposed as a PUD, smaller lot sizes than typical zoning standards are allowed. The standards for the lots are contained in Section 18.69.070 of the PUD chapter of the Zoning Code.
3. The site is proposed to be platted in two phases. The applicant plans to first request final plat approval of the western portion of the site including the multiple family residential lot and 68 of the single-family lots. Temporary cul-de-sacs and utility services would need to be provided to ensure that each phase can stand-alone pursuant to Auburn City Code (ACC) Section

18.69.110. The second final plat would consist of the remaining eastern single-family 102 lots.

PUD Approval Process

4. PUD's are allowed pursuant to Chapter 18.69 of the Zoning Code. More specifically, ACC Section 18.69.040 allows PUD's within all residential Comprehensive Plan map designations of the City, except the "Rural Residential". The area must have at least 10 acres in order to qualify for a PUD. The subject project is 40.9 acres in size.
5. The PUD process is a multi-step process. The first step is to rezone the property to the PUD classification. The rezone is a contract rezone that defines among other things the land use, density, number and types of dwelling units, amount and type of open space, and the responsibilities of the applicant. In the subject case, a preliminary plat for a single-family development and a binding site plan for the multiple-family portion is being processed simultaneously, therefore the next steps will be the administrative approval of infrastructure, construction of the infrastructure, Final Site Plan approval by the Planning Director for consistency with the binding site plan and subsequent final plat approval.
6. While construction approvals of the multiple family portion of the site could typically occur prior to final plat approval because the multiple family portion is not dependent upon segregation, ACC Section 18.69.210 provides that construction and development of all improvements for each phase must be completed or guaranteed before any certificates of occupancy for buildings are issued.
7. ACC Section 18.69.060 determines the maximum number of units that can be allowed in a PUD. The number of units is determined by subtracting out any non-buildable area and then multiplying the remainder by the number of dwelling units allowed per acre by the Comprehensive Plan. In this case 21.5 acres of the project are illustrated on the Comprehensive Plan map as "High Density Residential" which allows for 18 dwelling units per acre. Similarly, 19.5 acres of the project are illustrated on the Comprehensive Plan map as "Moderate Density Residential" which allows for 12 dwelling units per acre. The applicant has identified 0.03 acres of non-buildable wetland in the "High Density Residential" portion of the project and 0.43 acres of non-buildable wetland in the "Moderate Density Residential" portion of the project. The net 21.47 acres of the "High Density Residential" area is multiplied by 18, which

would allow for 386 dwelling units. The 19.07 net acres of the "Moderate Density Residential" area is multiplied by 12 and would allow for 228 dwelling units. The subject PUD could have been allowed 614 dwelling units but only 287 dwelling units are proposed. This is less than half the number of dwelling units that could be authorized.

8. Overall, then, as proposed the single-family portion of the project comprises approximately 24.3 acres of the site and approximately 8.26 acres is devoted to multiple-family residential.

Binding Site Plan Approval Process

9. A binding site plan approval is required for the multiple family portion of the project. ACC Section 18.69.020(B) provides that for projects that contain multiple family structures (with three or more dwelling units in a structure) a binding site plan must be approved. The preliminary plat approval and binding site plan approval must be concurrent if a PUD requires both approvals. ACC Sections 18.69.140 and 18.69.180 provides that the Hearing Examiner must conduct a public hearing and City Council action is required. The binding site plan shall be consistent with the provisions of the PUD and meet the submittal requirements of ACC Section 18.69.180(A).
10. The north central, approximately 8.26 acres of the 40.9-acre site is proposed to be developed with a multiple family dwellings consisting of twenty-three, 5-plexes as part of the planned unit development (PUD). These 115 multiple-family residences will encircle the inside and outside of a looped private drive aisle. Access to the multiple family residences is proposed by two driveways each with a central landscaped median connecting to the proposed internal street, 51st Street NE.

Other Related Approvals

9. Other City approvals have been simultaneously requested. The applicant has also applied for two variances to zoning code requirements that are being processed separately. One variance (VAR04-0005) seeks to reduce the front, street side and rear yard setbacks for a portion of the single-family lots. The other variance (VAR04-0006) seeks to eliminate recreational vehicle (RV) parking spaces that are required for multiple family residential developments.

10. The applicant also has requested approval of three deviations to City public works construction standards by the City Engineer. The deviation requests include:

- A deviation to the "local residential" street standard to allow a reduced right-of-way width for 51st street NE, east of M Street NE,
- A deviation to the City's "residential collector" street standard to allow a landscaped boulevard section for M Street NE; and
- A deviation for road radii for internal streets.

The City Public Works staff has reviewed each of the deviation requests and determined they are supportable and approvable but is deferring approval until after preliminary plat approval to ensure consistency of the decisions.

11. In accordance with ACC Section 17.18.010, the preliminary plat proposal also includes a "Plat Modification" request from the subdivision code in order to dedicate less than the required amount of park land. Specifically, the applicant seeks to compensate for the reduction in undeveloped park area by fees-in-lieu and improvements. Plat Modification requests are processed simultaneously with the preliminary plat request. The design requirements of the PUD regulations at ACC 18.69.080(A)(2) acknowledge that less than the full dedication of park land is appropriate.

Park Land

12. The PUD must also provide for public park property. The City may allow the PUD to use the park land to meet its 20% open space requirement. That is what is being proposed for this PUD. The City's subdivision code refers to the City's Park Plan for requirements that for every 1000 population of the plat, 6.03 acres of unimproved park land must be dedicated to the City. Under the current proposal, 4.85 acres is required to be dedicated and 4 acres is proposed to meet the requirements of the City of Auburn. The areas consist of the linear park (Tracts A – G) and public park (Tracts O & P). ACC Section 18.69.080(A)(2) allows the City to accept a lesser amount of park area if the PUD developer provides improvements to the park land that is being dedicated. To make up for the 0.85-acre shortfall, the developer proposes to provide to the City fees-in-lieu of the required dedication and/or improvements to the dedicated park land.

Open Space

13. ACC Section 18.69.080 outlines certain design requirements that a PUD must meet. Each PUD must have at least 20% of the buildable area set aside as

open space. The subject PUD intends for 23.3% open space which consists of:

- * Seven homeowner association maintained open space tracts proposed as linear park and sidewalk space (Tracts A through G) paralleling 51st Street NE
- * Five homeowners association owned tracts as landscaped open space (Tracts H through L) distributed at corner locations
- * One homeowners association owned tract that will contain wetlands, wetland buffer and compensatory floodplain storage, if a FEMA map amendment is not processed (Tract M) at the southwest corner
- * Two publicly owned tracts that contain storm drainage facilities and a wetland and wetland buffer (Tracts N and Q) at the northwest corner. Only that portion of the tracts located above the water surface elevation of the 10-year storm event is counted in order to remain consistent with the purpose of the open space requirement.
- * Two publicly owned tracts proposed as dedicated park land (Tracts O and P) at the east end
- * homeowner association owned and landscaped open spaces within the multiple family portion of the site.

Design Requirements Related to Alley-Loaded Lots

14. The applicant proposes three housing styles within the River Sand project: multiple family residences with five dwelling units to a building, alley-loaded single family lots (Lot 1 through 67) and the more typical, detached, single-family lots (Lots 68 through 172). This variety is proposed in order that the project may be responsive to market preferences. The applicant indicates that the project is to be marketed to individuals and young families.

Other Design Requirements

15. Section 18.69.080(D) requires certain design requirements to be met including architectural treatment of the buildings and other site design features as lighting, furniture, signs, fencing, etc.

The applicant has provided building elevations (Multiple Family Housing Elevations and Floor Plans, dated 3/11/04) to illustrate building and structural designs that are coordinated and complement the surroundings. A representative elevation is provided for the multiple family dwellings to

show modulation, and articulation of the facades to reduce the perception of bulk and mass (ACC 18.69.080(D)(2)).

Representative design treatments are also provided for the single-family dwellings comprised of eight designs for the detached lots types. These range in square footage from single-story homes of 1,300 square feet to two stories of 2,370 square feet. Two housing designs are provided for the alley-loaded dwellings ranging from single-story 1,500 square feet to two-stories of 1,733 square feet (Single Family Housing Elevations and Floor Plans, dated 3/11/04). A representative color palette for the homes has been provided in the color palette: Homescapes, Sherwin Williams, 2002.

16. A conceptual landscape treatment of the PUD is illustrated in the River Sand PUD Landscape Schematic Design, Sheet SD1.1 - SD1.5, Lauchlin R. Bethune Associates, Inc., July 12, 2005. The plan shows extensive use of landscaping within the multiple family residential portion of the development to meet open space requirements. The plan also shows sensitive treatment of the public stormwater ponds located in Tracts N and Q to ensure that the storm facilities meet the intent of Auburn Comprehensive Plan Urban Design Policy UD-6 and the PUD. Coordinated plantings are also proposed for the other open space tracts and as street tree plantings. The PUD will also require ornamental/pedestrian type street lighting, some furniture in the open space areas, and the entrance signs will be coordinated. No landscaping or site amenities are shown within Tract P in the southeast corner as no alteration will occur within the shoreline jurisdiction of 200 feet from the ordinary high water mark of the Green River. No shoreline permit has been requested.

Sensitive Areas

17. Critical areas on site include wetlands, floodplain and river shoreline areas. A preliminary geotechnical report and a wetland report were prepared and reviewed during the SEPA review process. Discussion of the critical areas and mitigation measures to address impacts on critical areas are incorporated into the SEPA Final Mitigated Determination of Non-Significance issued June 2, 2005 (Please refer to exhibit list). In brief, mitigation includes additional geotechnical studies, wetland and buffer enhancement, and construction of floodplain compensation as mitigation.

Pedestrian/Traffic Circulation

18. Each PUD must promote pedestrian movement. The project will also be responsible for continuation of the trail system along the south side of South 277th Street to the site's western boundary. The PUD will provide a system of sidewalks along the project streets both within the right-of-way and as meandering sidewalk within the linear Tracts A through G. The public sidewalks on each side of M Street NE, north of 51st Street NE are proposed to meander within public Tracts N and Q that include the project's storm water ponds. The provision of sidewalks that modulate in distance from the road provides a superior design and enhanced aesthetics.

The configuration of park land dedication, Tracts O and P, provides room for future pedestrian connections to the future construction of the Green River Trail on the west side of the River.

To promote vehicle speeds on the internal 51st Street NE consistent with pedestrian circulation, traffic calming will be provided as determined by the City Engineer at the time of roadway design. A plat condition is proposed to implement this requirement.

19. Since access to the existing alignment of the undeveloped right-of-way of I Street NE is unfeasible due to intervening land ownership, access is proposed via a single boulevard-type access to South 277th Street at the northwest corner of the site. On an interim basis this boulevard access would accommodate full vehicle movements and would be signalized. Upon construction of an additional roadway access from the west, generally along the extension of 49th/51st Street NE alignment and completion of I Street NE to S 277th Street (as depicted in the NE Auburn/Robertson Properties Final Environmental Impact Statement (EIS)), the temporary signal would be removed and the permanent channelization shall be installed on S 277th Street at the intersection to prevent left turns into and out of the plat (right-in right-out only). The permanent channelization would be to City of Kent standards.
20. This development can meet Comprehensive Plan Policy TR-13 by providing a permanent boulevard-type road approach to S 277th Street from the plat as approved by the City Engineer. The boulevard shall have a divided roadway with central landscape median. This access shall include a temporary traffic signal at the intersection of the boulevard approach and S 277th Street. Also to satisfy Policy TR-13, prior to the issuance of a building permit for the equivalent of the 76th single family unit within the plat, the applicant shall financially secure the completion of a second permanent access route

consisting of the construction of a 24-foot wide paved roadway with adequate shoulder and storm drainage provisions along the east-west alignment of a new 49th/51st NE between the proposed boulevard and the new "I" Street alignment and the new "I" Street NE between 49th Street NE and S 277th Street, plus a span wire traffic signal at the intersection of the new I Street NE and S 277th Street. When the second permanent access route is constructed, the intersection of the boulevard approach and S 277th Street shall have its temporary traffic signal removed and permanent channelization shall be installed on S 277th Street at the intersection to prevent left turns into and out of the plat. The applicant shall pay to the City \$495,000, which in addition to the development's normal traffic impact fees provides adequate funding to secure the second permanent access route improvements and related improvements. In the event the City's traffic impact fees are increased prior to payment of the \$495,000, this mitigation fee may be correspondingly decreased.

21. Notice of the future second permanent access route and the future intersection modifications (the future removal of the temporary traffic signal at the intersection of the boulevard roadway and S 277th Street and the installation of permanent channelization on S 277th Street to prevent left turns into and out of the plat, described above) will be recorded on the face of the plat and on each individual property title within the plat. In addition to this notice, adequate on-site signage of such future traffic improvements must be provided as directed by the City.
22. At the time of plat construction secondary emergency access will be provided to the plat from S 277th Street by means of the establishment of one or more emergency accesses a minimum of 20 feet in width. These secondary emergency accesses shall prohibit general traffic use through the use of gates or bollards to the satisfaction of the Fire Marshal and City Engineer.
23. While initially the internal road lengths will exceed City policies related to the length for dead-end roads without providing for secondary access connection until the 49th/51st Street NE extension is constructed, financially guaranteeing construction of a second access point at the 76th dwelling unit will minimize the circulation impacts and maximize consistency with City Policy TR-13.
24. The internal street network of the plat will consist of two stacked loop roads with three north-south internal connections and will be dedicated as public right-of-way. The internal roads will be constructed to the City's "Local

Residential" street standard except where deviations to City design and construction standards are determined appropriate. The project will also include alley-loaded lots accessed by 18-foot roadways within 20-foot rights-of-way. Two access tracts meeting City standards will provide access to lots at the east and south portions of the plat.

25. Traffic calming devices will be required on the internal street, 51st Street NE, in order to prevent public safety hazards that may result from excessive speeding on straight, flat roadways, especially as the transitions from a "Residential Collector" to "Local Residential" west to east through the site. Prior to Final Plat approval, traffic calming to the satisfaction of the City Engineer shall be installed on 51st Street NE or the construction financially guaranteed. Traffic calming measures may include but are not limited to traffic circles, etc.
26. The right-of-way of S 277th Street in the area of the project is currently within the City of Kent's jurisdiction. The design and construction of the roadway access, temporary signalization and frontage improvements including trail and drainage will require approvals from the City of Kent. The applicant has coordinated with the City of Kent and consistency is addressed in the Letter from Gary Gill, City of Kent to Jeff Dixon City of Auburn, dated December 15, 2004 indicating general acceptability of the project's access concept.

SEPA

27. On June 2, 2005 the City issued a Final Mitigated Determination of Non-Significance (FMDNS) (File Number SEP04-0037) for the proposed rezoning to PUD and including the platting and development. The FMDNS contains 17 conditions (mitigation measures). The conditions prescribe geotechnical procedures, wetland mitigation, floodplain compensation, archeological and cultural resources, haul routes, traffic circulation and water line extension requirements.

CONCLUSIONS

Jurisdiction:

Pursuant to Auburn City Code (ACC) 18.66, the Hearings Examiner is granted jurisdiction to hear and make recommendations to the City Council. Jurisdiction for the Hearings Examiner to make recommendations for an application for rezone is pursuant to ACC

14.03.040(D) and 18.68.030, for approval of an application for a PUD is pursuant to ACC 18.69.140.

Criteria for Review:

Along with the requirements set forth by the Washington State Supreme Court, in order TO APPROVE A REZONE, the Hearings Examiner must find that the following criteria, as set forth in ACC 18.68, are satisfied:

1. The rezone shall be consistent with the Comprehensive Plan.
2. The rezone was initiated by a party, other than the City, in order for the Hearing Examiner to hold a public hearing and consider the request.
3. Any change or modification to the rezone request made by the Hearing Examiner or the City Council shall not result in a more intense zone than the one requested.

In order TO APPROVE A PUD, the Applicant must satisfactorily demonstrate that the proposed PUD achieves, or is consistent with, in whole or in part, desired public benefits and expectations. Pursuant to ACC 18.69.150, the proposal must demonstrate sufficient findings of facts to support the following:

1. The proposal contains adequate provisions for the public health, safety, and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, or sites for schools.
2. The proposal is in accordance with the goals, policies, and objectives of the comprehensive plan.
3. The proposal is consistent with the purpose of ACC 18.69, provides for the public benefits required of the development of PUDs by providing an improvement in the quality, character, architectural and site design, housing choice and/or open space protection over what would otherwise be attained through a development using the existing zoning and subdivision standards.
4. The proposal conforms to the general purposes of other applicable policies or plans which have been adopted by the City Council.

5. The approval of the PUD will have no more of an adverse impact upon the surrounding area than any other project would have if developed using the existing zoning standards of the zoning district the PUD is located in.
6. The PUD must be consistent with the existing and planned character of the neighborhood, including existing zoning and comprehensive plan map designations, and the design guidelines set forth in ACC 18.69.080(D).

DECISION

Based on the Facts, Findings and Conclusions, the City Council hereby approves the rezone request with the following conditions.

1. Lot No. 169 shall be eliminated and Lots No. 167 and 168 shall be re-oriented to front on the plat's internal public street identified as "P Street NE" and the adjacent access tract shall be eliminated.
2. Prior to Final Plat approval the Applicant shall submit a plan for review and approval by the Parks Director to provide a separation, using such features as short fences, rockeries and mow strips, between the residential Lots 1-34, Lot 68 and the adjacent dedicated park land tracts, (Tracts B, D, and F). The requirement to maintain the separation shall also be addressed by the required legal instrument setting forth the permanent care and maintenance of open spaces and park land.
3. Prior to final plat approval, the Applicant shall secure JARPA approval from the Army Corps of Engineers to relocate the north-south drainage ditch and associated easement located within the western one-third of the site as shown on the plat.

4. The Applicant shall submit a legal instrument setting forth a plan or manner of permanent care and maintenance of open space, recreational areas, private roads, park land, and other communally-owned facilities. No such instrument shall be acceptable until approved by the city attorney as to its legal form and effect. Common spaces shall be guaranteed by a restrictive covenant describing that the space, its maintenance, and improvement are appurtenant to the land for the benefit of the residents of the planned unit development and adjoining property owners. The final plat shall grant easements to the City of Auburn in all private open space and park land tracts so that the City may perform maintenance in the event of improper maintenance by the homeowners' association. All maintenance shall adhere to City of Auburn standards.
5. Prior to final plat approval, traffic calming devices shall be financially guaranteed for installation on 50th and 51st Streets NE. Traffic calming methods and design must be approved by the City Engineer prior to final plat approval.
6. Prior to issuance of construction approvals, the Applicant shall prepare a sight distance plan for review and approval by the Planning and Public Works Directors. The plan shall document the sight distance triangles at all intersections and corners and shall define measures to ensure maintenance and protection of sight distances within lots and tracts, including easements. This may result in minor changes to the plat design to ensure that all applicable requirements are satisfied.

7. The Applicant shall prepare a Final Landscaping Plan that demonstrates that all landscaping in the public rights-of-way, storm drainage tracts, and open space tracts conform to City standards. The plan must demonstrate conformance with standards for acceptable tree types and root barriers, etc., and must also show coordination with utility and road improvements. The plan must also include maintenance and conform the standards in ACC 18.50.070. The Applicant shall provide root deflection devices or similar mechanisms for all trees planted within five feet of curbs, sidewalks, or pavement to ensure mature trees does not contribute to pavement deterioration. Care should be taken by the Applicant to account for individual lots' ingress and egress when defining the location of proposed street trees. The landscaped median of "M" Street NE shall be the responsibility of the homeowners' association and be included in the landscaping maintenance plan. The plan must be approved by the Planning Department prior to final plat approval.
8. In order to meet subdivision requirements of ACC 17.12.260 related to dedication of recreation land and based on the submitted preliminary plat, the applicant shall either;
 - a. Dedicate 4.85 acres of land generally in the location identified as Tracts O & P on the Preliminary Plat, by DBM Engineers, dated 5/25/05 and in a configuration acceptable to the Parks Director; or,
 - b. Alternatively, the City will accept the lesser dedication of 4.0 acres within the areas identified as Tracts A-G, O & P on the Preliminary Plat, by DBM Engineers, dated 5/25/05 The remainder of the required land (0.85 acres) to meet the recreation land dedication standard shall be in the form of a voluntary agreement with the City, acceptable to the

City of Auburn Parks Director, to provide a fee-in-lieu of dedication estimated to be the amount of \$141,312.50. The estimated calculation is based on the currently proposed 287 dwelling units and a formula of: community parks development cost of (\$166,250.00 per acre) X 0.85 acres. The actual amount shall be paid prior to final plat approval for each phase, shall be based on the number of units / lots proposed for each final plat application.

9. The linear trail Tracts A through G, as identified on the Preliminary Plat, by DBM Engineers, dated 6/28/05 shall be maintained by the developer and/or the home owner's association as a condition of the final plat. The maintenance schedule and responsibilities shall be identified in the CCR's whose language shall be reviewed and approved by the Parks Director prior to final plat approval and recording. A maintenance easement shall be provided on the final plat.
10. The developer agrees to and shall be responsible for construction of a play area featuring a minimum of nine (9) play events to accommodate over thirty-five (35) children. In a space whose minimum fall zone is 1,050 square feet, 1/2 basketball court, irrigation system, and landscaping in Tract O. The materials supplied and installed must meet the current Park Department standards as supplied by the Parks Director prior to installation and final plat approval.
11. As part of the engineering/construction drawings that are typically submitted for construction of the subdivision there shall also be submitted engineering/construction drawings for the construction of park improvements in Tract "O". The park improvements shall be approved by the City of Auburn Parks Director prior to the approval of the construction drawings for the plat. The materials supplied and installed must meet the

current City Parks Department standards and be approved by the Parks Director prior to installation and final plat approval.

12. To address the impacts from the project's new impervious surfaces, the Applicant shall comply with one of the following prior to final plat approval:

- a. Storm drainage facilities shall be constructed on-site to limit the off-site discharge for the post-developed 100-year flow to less than 7.2 cubic feet per second (cfs). 7.2 cfs is the capacity of downstream culvert number four that would be overwhelmed from the storm water generated by the project in the event of a 100-year storm and saturated ground. Culvert number four is a 24-inch storm drainage culvert located within the King County right-of-way of 86th Avenue South approximately 800 feet north of 86th Avenue South's intersection with South 277th Street.
- b. The Applicant shall secure approvals from the appropriate agencies for replacement of downstream culvert number four. The replacement culvert must have a minimum capacity of 93 cubic feet per second to correspond with the combined capacity of the tributary culverts located upstream. Culvert number four is a 24-inch storm drainage culvert located within the King County right-of-way of 86th Avenue South approximately 800 feet north of 86th Avenue South's intersection with South 277th Street.
- c. The Applicant shall secure approvals from the appropriate agencies to provide an alternate downstream storm drainage route terminating in the Green River. The Applicant shall demonstrate to the satisfaction of the City Engineer that the alternate drainage route has adequate hydraulic capacity to convey the post-developed 100-year flow with saturated ground prior to construction authorization. The Applicant shall demonstrate to the satisfaction of the City that the alternate drainage route would have no adverse environmental effects.

13. Pedestrian/ornamental street lights shall be installed by the Applicant along the interior streets and sidewalks of the plat. The style of the lights shall be consistent with City standards or be an ornamental style similar to the "Whatley, Washington Series 405 fluted fiberglass pole with acorn-style post-top fixture" as submitted in the preliminary plat application. The City Engineer shall review the spacing and location of the lights to ensure that adequate lighting is provided along the surface of all streets and any adjacent sidewalks.

14. Home designs shall be consistent with the drawings entitled "Multiple Family Housing Elevations and Floor Plans," and "Single Family Housing Elevations and Floor Plans," both dated March 11, 2004 as submitted as

part of the preliminary plat application. Home exterior colors shall be consistent with "Color Palette, Homescapes, Sherwin Williams, 2002," as submitted as part of the preliminary plat application, except that the "Bright and Bold" color scheme shall not be used.

15. The final landscape design shall be generally consistent with the preliminary landscaping plan as submitted by the Applicant as part of the preliminary plat application. The project will also require furniture in the open space areas, and coordinated fencing and entrance signs. Bench furniture and fencing shall be generally consistent with those designs submitted as part of the preliminary plat application. Furniture and fencing shall be of consistent design and material throughout the project. Any entrance signs shall be a low monument style with landscaping accents. The number of signs, their style, placement, and landscaping shall be approved by the Planning Director prior to final plat approval.

16. The Applicant has proposed that Lots 1 through 67 shall be accessed only through an alley. The final plat shall include a requirement that Lots 1 through 67 shall be developed as alley-loaded lots unless the Applicant documents and demonstrates to the satisfaction of the Planning Director that market demand for this housing style does not exist. In the event that a lack of market demand is sufficiently demonstrated, a reduced number of alley-loaded lots will be required for Lots 35 through 67 only.

17. Prior to the issuance of clearing and/or grading permits subsequent to permit No. GRA04-0025 issued August 27, 2004, the Applicant shall

furnish the City of Auburn City Engineer and appropriate City of Kent staff person with a proposed haul route and schedule for hauling soil material to and/or from the site for review and approval by both entities. If, in the opinion of the city representatives, such hauling will adversely impact the street network, hauling hours may be coordinated and limited to appropriate off-peak hours or alternative routes. The haul route plan shall also include a traffic control plan for approval by the City of Kent and the City of Auburn. The Applicant shall submit a Haul Route Plan prior to Phase I final approvals to avoid any traffic impacts generated by truck trips during the construction and grading phases.

18. The recommendations of the geotechnical report "Geotechnical Report River Sand "I" Street NE and South 277th Street," by Terra Associates, Inc., dated February 4, 2004 (attached as Plat Exhibit 19) and/or other subsequent site specific soils or geotechnical reports shall be incorporated into clearing, grading, and other appropriate construction plans subsequent to permit No. GRA04-0025 issued August 27, 2004, as determined by the City Engineer. Special consideration shall be given to the recommendations for storm pond design identified in the geotechnical report.

19. The Applicant's grading plans subsequent to permit NO. GRA04-0025 issued August 27, 2004 shall be prepared in conjunction with and reviewed by a licensed geotechnical engineer. The geotechnical engineer shall develop and submit, for the City's review, specific recommendations to mitigate grading activities giving particular attention to developing a plan

to minimize the exposure of on-site soils and address grading and related activities during wet weather.

20. A licensed geotechnical engineer shall monitor on-site rough/preliminary plat grading activities subsequent to permit No. GRA04-0025 issued August 27, 2004 to ensure that the recommendations of the preliminary geotechnical report and any additional conditions or requirements are implemented. Based on recommendations of the geotechnical report, the geotechnical engineer should review final design and specifications to verify that earthwork and foundation recommendations have been properly interpreted and implemented in the project design. The geotechnical services to be provided during construction are to observe compliance with the design concepts, specifications, and geotechnical report recommendations.

21. Upon completion of rough grading and excavation, a geotechnical engineer shall re-analyze the site and determine if new or additional mitigation measures are necessary. If warranted, a revised geotechnical report shall be submitted to the City of Auburn for review and approval by the City Engineer.

22. Prior to the placement of fill in addition to that authorized by permit No. GRA04-0025 issued August 27 2004, the City Engineer shall approve the source of the imported fill material for all structural fill and other fill activities. Compaction monitoring and testing shall be required for all fill areas, both structural and non-structural for City review. Compaction

reports for structural fill shall be provided to the City Engineer for review prior to acceptance.

23. Prior to issuance of grading permits subsequent to permit No. GRA04-0025 issued August 27, 2004, a wetland hydroperiod analysis shall be submitted to the City for review and approval. The analysis shall include a pre-developed analysis of the existing hydrologic volume tributary to the wetlands, and post-developed volumes from tributary areas directed to the wetlands. A wetland biologist shall be consulted to verify the appropriate hydrologic support necessary to maintain existing wetland's function and value. If augmentation is warranted to reduce or avoid impacts, rooftop drainage or other acceptable means can be directed to the wetlands at a volume approximating existing conditions to maintain hydrologic support of the wetlands. A monitoring plan/program shall also be developed for City review and approval. The Department of Ecology's Stormwater Management Manual for Western Washington (2001) will provide guidance for performing the wetland hydroperiod analysis, information on maximum acceptable hydroperiod alterations, recommendation for reducing development impacts on wetland hydroperiod and water quality, recommendation for flow control and treatment for stormwater discharges to wetlands and recommendation for post-development wetland monitoring.

24. Prior to approval of the grading permit subsequent to permit No. GRA04-0025 issued August 27, 2004, (or approval of half-street improvements to S 277th Street unless it is demonstrated to the satisfaction of the Planning Director that the half-street improvements will not result in wetland filling)

a final wetland mitigation plan shall be prepared and submitted for review and approval by the Planning Director and Public Works Directors. The plan shall be approved prior to the issuance of the subsequent grading permits or other construction permits. If applicable, the plan shall identify the amount of wetland impact associated with half-street improvements to S 277th Street and any associated wetland mitigation.

The plan shall include the proposed construction sequence, grading and excavation details, erosion and sedimentation control features needed, planting plans specifying species, quantities, locations size, spacing, and density, source of plant materials, propagules and seeds, water and nutrient requirements for plants and water level maintenance practices. Mitigation for reduction in wetland functions from the disturbance and increased proximity of development shall consist of enhancement of wetland buffers. Wetland mitigation shall be provided in general accordance with recommendations identified in the report: "Conceptual Wetland Mitigation Plan of the River Sand Property", J.S. Jones and Associates Inc., January 26, 2005, as modified by the Final Staff Evaluation and MDNS. Major elements of the mitigation plan shall include:

- a. A final wetland mitigation plan, report and monitoring program, maintenance plan and contingency plan shall be submitted for review and approval in accordance with the recommendations of the delineation and conceptual mitigation reports, and as modified by the MDNS conditions and Final Staff Evaluation. The plans and supporting hydrologic analysis shall establish goals and objectives to monitor and measure the success of the wetland mitigation project.
- b. The wetland buffers shall be a minimum of fifty (50) feet in width for Wetland 1 and an average of twenty-five (25) feet in width for

Wetland 2 and incorporate the following characteristics: areas of flattened slopes (ranging from 4:1 to 6:1 in gradient) adjacent to the wetland edge to provide habitat transition areas; and dense plantings of vegetation native to the northwest that will provide shade and cover for local wildlife. A maintenance plan for the buffer shall also be prepared and submitted concurrently for review and approval.

c. The wetland enhancement areas shall be designed to include elements of water saturation (hydrology) and be vegetated with obligate, facultative wetland plants or facultative (hydrophytic) vegetation native to the Pacific Northwest. Trees and other vegetation designed to provide food and cover for local wildlife shall be included.

d. The proponent shall as directed, be required to provide the Auburn Building Official with services of an approved biologist with expertise in wetland buffer enhancement, for purposes of inspecting wetland work activities on the City's behalf for conformance with approved plans and specifications. In addition, the biologist shall be retained for a minimum of five years following completion of all wetlands work to monitor the progress of the enhanced wetlands, and to inspect the replacement of unsuccessful plant and habitat materials in accordance with the approved plans. A minimum of biannual monitoring and inspection and annual reports, indicating achievement of goals and objectives, and project status, shall be filed with the Planning Department throughout the five-year monitoring program, with a final report provided at the end of the monitoring program.

e. Filling and grading of the site and wetlands mitigation work may occur concurrently. The mitigation construction shall be complete prior to issuance of final plat.

f. An appropriate security equivalent to 125 percent of the cost of all wetlands mitigation work shall be submitted to the Auburn Building Official prior to the issuance of grading permits, and shall be kept active for a minimum of five years following completion of all wetlands construction in an amount commensurate with the monitoring program and contingency plan. At the end of the

monitoring program, the City shall release the security if remedial action is not required.

g. Following completion and acceptance of all wetlands mitigation work, no clearing, grading or building construction shall occur within the wetlands mitigation area, except as may be authorized by the City of Auburn for: protection of public health, safety and welfare; maintenance purposes, passive recreation improvements or contingency mitigation work.

h. The surveyed wetland area shall be clearly indicated on all construction plans approved by the City, indicating the purpose and any limitations on the use of the area. The boundary of the wetland shall be based on the wetland boundary confirmed by the Army Corps of Engineers (ACOE) by letter dated May 22, 2003 (reference: File No. 2002-4-00613) and its buffer shall be staked in 25-foot intervals. This staked line shall continuously remain in place and serve as clearing and construction limits throughout the project for all construction activities adjacent to the wetlands area, or as required by the City.

25. The purpose and intent of the following condition is to discourage the uncontrolled intrusion of humans into the mitigation area, provide a passive recreation opportunity, and to ensure long term protection. The following information and improvements shall be required by the Applicant:

- a. Interpretive signs shall be installed and maintained at 150-foot intervals along the boundary of wetland buffers. The signs shall be constructed of a permanent and durable material and indicate the wetland restrictions related to the use of the area. The sign locations, construction details, and text shall be specified in final mitigation plan.
- b. The wetlands and wetland buffers shall be encumbered by a conservation easement granted to the City of Auburn. The easement shall state that any uses within the easement area shall be approved by the Planning Director. The uses shall be consistent with the purpose of the wetland and stream buffer and be a general benefit to the public. Evidence that the easement has been executed and recorded is required prior to issuance of any occupancy permits for the site.

26. Unless a FEMA map amendment is approved to eliminate on-site floodplain, prior to issuance of a grading permit authorizing fill placement in the floodplain the Applicant shall prepare and submit a Flood

Compensation Plan. The plan shall demonstrate how compensatory flood storage will be provided for the project concurrently with site filling. The flood storage shall be provided incrementally as the flood stage rises from the seasonal low average, up to and including the 100-year flood elevation. The compensatory storage shall be provided at a ratio of one to one (displacement to replacement). The flood storage must be designed based on seasonal groundwater elevations with appropriate supporting analysis. The plan must be approved prior to issuance of a grading permit to fill the floodplain.

27. Unless a FEMA map amendment is approved to eliminate on-site floodplain, the area of the compensatory flood storage and associated access shall be encumbered by a drainage easement granted to the City of Auburn. The easement shall state that any uses within this area shall be approved by the Planning and Public Works Directors. The easement language shall be prepared by the Applicant and approved by the City and shall convey maintenance and inspection access to the City. Evidence that the easement has been executed and recorded is required to be shown on the final plat.

28. Prior to the issuance of a grading permit subsequent to permit number GRA04-0025 issued August 27, 2004 that includes excavation or disturbance of the existing ground surface elevation, the Applicant shall prepare a historic/cultural resources monitoring plan as recommended by the report "Archaeological and Historical Resources Survey of the Proposed River Sand PUD, King County, Washington," (Plat Exhibit 24). The monitoring plan shall establish a protocol for the inadvertent discovery

of human remains. The monitoring plan shall also detail what cultural materials may be expected on-site, qualifications of the on-site monitor, the authority of the on-site monitor to halt excavation/construction activities, a protocol for assigning significance to identified materials, and safety requirements for the monitor's activities. A copy of the report shall be provided to OAHP, the City of Auburn, and the Muckleshoot Tribe upon its completion. The Applicant shall demonstrate to the City of Auburn that the monitoring report recommendations have been addressed prior to commencement of any permitted excavation or disturbance of the existing ground surface elevation. Also, in accordance with the report's recommendations, an on-site monitor shall be present during excavation or disturbance of the existing ground surface elevation.

29. The intersection of "M" Street NE and South 277th Street shall include a temporary traffic signal. Prior to the issuance of the building permit for the 76th housing unit within the plat, the Applicant shall financially secure the completion of a second permanent access route consisting of the construction of a 24-foot wide paved roadway with adequate shoulder and storm drainage provisions along the east-west alignment of a new 49th/51st Street NE between "M" Street NE and the new "I" Street NE alignment. The Applicant shall also financially secure completion of the new "I" Street NE between 49th Street NE and South 277th Street, plus a wire span traffic signal at the intersection of the new "I" Street NE and South 277th Street. When the second permanent access is constructed, the temporary traffic signal at "M" Street NE and South 277th Street shall be removed and permanent channelization to City of Kent standards shall be installed in its place. The Applicant shall pay the City \$495,000, which

in addition to the development's normal traffic impact fees, provides adequate funding to secure the second permanent access route improvements and related improvements. In the event the City's traffic impact fees are increased prior to payment of the \$495,000, the mitigation fee may be correspondingly decreased.

30. Notice of the future second permanent access route and the future intersection modifications shall be recorded on the face of the final plat and on each individual property title within the plat. In addition to this notice, adequate on-site signage of such future traffic improvements shall be provided as directed by the City.
31. At the time of plat construction, secondary emergency access shall also be provided to the plat from South 277th Street by means of the establishment of emergency accesses a minimum of 20 feet in width from South 277th Street. These traffic accesses shall prohibit general traffic use through the use of gates or bollards to the satisfaction of the Fire Marshal. Fire lanes shall be posted in accordance with the Auburn City Code. Notice signs shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary by the homeowners' association to provide adequate visibility.
32. Prior to final plat approval, the Applicant shall financially secure the completion of a 12-inch on-site waterline for completion of the looping of waterlines to meet the Water Comprehensive Plan Level of Service criteria. The Water Comprehensive Plan Improvements would consist of

approximately 1,200 linear feet of 12-inch waterline along the proposed extension of "I" Street NE from 45th Street NE to 49th Street NE and approximately 1,300 linear feet of 12-inch waterline along an east-west alignment of a new 49th/51st Street NE between the proposed new "I" Street NE alignment and the River Sands Development west property line. The Applicant shall pay to the City \$82,000, which combined with the development's normal System Development Charges, provides adequate funding to secure the water system improvements. In the event the City's Water System Development charges are increased prior to payment of the \$82,000, this mitigation fee may be correspondingly decreased.

33. The Applicant shall pay school impact fees to the Kent School District as dictated by the City of Auburn and the Kent School District's school impact fee agreement. The Applicant, the Cities, and the District shall agree on a method of providing safe bus stops prior to final plat approval, and the approved method shall be noted on the final plat map.

34. The project shall not at any time disturb or encroach upon the 200-foot shoreline buffer of the Green River.

35. The approval of the PUD is only valid upon the approval and execution by the Auburn City Council of the associated preliminary plat, File No. PLT04-0006.

36. Given the relatively narrow frontages of the proposed single-family residential lots and the impact on pedestrians (and wheelchairs) from elevation changes due

to a series of closely spaced driveways, the local residential road cross section shown on the preliminary plat shall be revised to show the landscape planting strip abutting the curb on both sides of the street.

1.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Approval. The rezone request is hereby approved to rezone approximately 40.9 acres from Multiple Family Residential (R4) and Duplex Residential (R3) to Planned Unit Development (PUD) and the request for approval of a Planned Unit Development and Binding Site Plan is hereby approved, and as legally described in Exhibit A attached hereto, subject to the conditions as outlined above.

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Recording. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City

of Auburn shall cause this Ordinance to be recorded in the office of the King County Auditor.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.


Section 5. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: DEC 5 2005

PASSED: DEC 5 2005

APPROVED: DEC 5 2005

CITY OF AUBURN



PETER B. LEWIS
MAYOR

ATTEST:



Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Publication: 12-9-2005

EXHIBIT 'A'

LEGAL DESCRIPTION FOR PLT04-0006 AND PUD04-0001

THAT PORTION OF THE GEORGE E. KING DONATION LAND CLAIM (D.L.C.) NO. 40 IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST W.M. DESCRIBED AS FOLLOWS:

COMMENCING AT A 6" X 6" SANDSTONE MONUMENT MARKING THE SOUTHWEST CORNER OF THE R.H. BEATTY D.L.C. NUMBERS 37 AND 44; THENCE SOUTH 89-00'01" EAST, ALONG THE SOUTH LINE OF SAID R.H. BEATTY D.L.C. AND THE NORTH LINE OF THE W.A. COX D.L.C. NO 38, A DISTANCE OF 2,643.18 FEET TO A 2" DIAMETER CONCRETE-FILLED IRON PIPE MARKING THE SOUTHEAST CORNER OF SAID R.H. BEATTY D.L.C. AND THE NORTHEAST CORNER OF SAID W.A. COX D.L.C.;

THENCE, CONTINUING SOUTH 89-00'01" EAST, 638.43 FEET TO THE TRUE POINT OF BEGINNING;

THENCE, CONTINUING SOUTH 89-00'01", 1,617.39 FEET TO A POINT ON A LINE ESTABLISHED BY BOUNDARY LINE AGREEMENT RECORDED UNDER KING COUNTY RECORDING NO. 8110150749;

THENCE, ALONG SAID LINE, SOUTH 46-26'33" EAST 103.45 FEET;

THENCE, ALONG SAID LINE, SOUTH 39-19'49" EAST 211.01 FEET;

THENCE, ALONG SAID LINE, SOUTH 09-48'39" WEST 412.45 FEET;

THENCE, ALONG SAID LINE, SOUTH 01-43'38" EAST 263.60 FEET;

THENCE, ALONG SAID LINE, SOUTH 08-38'47" WEST 208.18 FEET;

THENCE, NORTH 88-49'05" WEST 503.22 FEET

THENCE, NORTH 19-30'00" EAST 110.98 FEET;

THENCE, NORTH 88-49'05" WEST 1,283.52 FEET;

THENCE, NORTH 01-48'33" EAST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID COX D.L.C., 1,008.50 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF KENT FOR SOUTH 277TH STREET, DESCRIBED AS FOLLOWS:

BEGINNING AT SAID TRUE POINT OF BEGINNING;

THENCE, CONTINUING SOUTH 89-00'01" EAST, 1,617.39 FEET TO A POINT ON A LINE ESTABLISHED BY BOUNDARY LINE AGREEMENT RECORDED UNDER KING COUNTY RECORDING NO. 8110150749;

THENCE, ALONG SAID LINE, SOUTH 46-26'33" EAST 103.45 FEET;

THENCE, ALONG SAID LINE, SOUTH 34-19'49" EAST 60.80 FEET;

THENCE NORTH 79-05'59" WEST 581.27 FEET;

THENCE NORTH 88-59'57" WEST 1,156.72 FEET TO A POINT 20.00 FEET EAST OF THE EAST RIGHT-OF-WAY MARGIN OF "I" STREET NORTHEAST;

THENCE NORTH 01-48'33" EAST 20.00 FEET TO THE POINT OF BEGINNING OF THIS EXCEPTION;

SITUATE IN THE CITY OF AUBURN, COUNTY OF KING, STATE OF WASHINGTON.

FINAL
MITIGATED
DETERMINATION OF NON-SIGNIFICANCE
SEP04-0037

DESCRIPTION OF PROPOSAL: Rezoning from R-4, Multiple Family Residential and R-3, Two-Family Residential to a Planned Unit Development (PUD) designation, initial short platting into two lots and the subsequent preliminary plat approval of a subdivision into approximately 172 single family lots, one multiple family lot with approximately 115 dwelling units and seventeen tracts and binding site plan approval of the multiple family development, all under the provisions of the PUD. The proposal includes the site preparation, construction and dedication of new public streets within and adjacent to the plat, the construction of privately-owned recreational spaces, the installation of on-site landscaping, utilities and the dedication of land to be used for a public park. The project includes approval of deviations for street standards, variances from single-family setbacks and RV parking and a modification to plat standards related to park land dedication.

PROPOSER: Rob Pursuer, Centex Homes

LOCATION: The area south of South 277th Street and west of the Green River

LEAD AGENCY: City of Auburn

The Responsible Official of the City of Auburn hereby makes the following Findings of Fact based upon impacts identified in the environmental checklist and the "Final Staff Evaluation for Environmental Checklist No. SEP04-0037", and Conclusions of Law based upon the Auburn Comprehensive Plan, and other Municipal policies, plans, rules and regulations designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act Rules pursuant to R.C.W. 43.21C.060.

FINDINGS OF FACT:

1. The proposed project action involves one parcel totaling approximately 40.9 acres with split zoning. The proposal is located at the northern edge of the Auburn city limits and abuts Kent (the roadway of S 277th Street) and unincorporated King County to the north. Certain off-site improvements are proposed in Kent. The City of Auburn serves as SEPA lead agency for the proposal as provided in WAC 197-11-932.
2. The proposed action, referred to as "River Sand" consists of the rezoning from R-4, Multiple Family Residential and R-3, Two-Family Residential to a Planned Unit Development (PUD) designation, initial short platting into two lots and the subsequent preliminary plat approval of a subdivision into approximately 172 single family lots, one multiple family lot with approximately 115 dwelling units and seventeen tracts and binding site plan approval of the multiple family development, all under the provisions of the PUD. The proposal includes the site preparation, construction and dedication of new public streets within and adjacent to the plat, the construction of privately-owned recreational spaces, the installation of on-site landscaping, utilities and the dedication of

land to be used for a public park. The project includes approval of deviations for street standards, variances from single-family setbacks and relief from RV parking and a modification to plat standards related to park land dedication.

3. The proposal includes substantial grading and clearing, street improvements (including off-site improvements in Kent) construction of utilities and wetland mitigation. The proposal is to be constructed and receive final plat in two phases.
4. Construction will consist of the excavation and removal from the site of approximately 20,000 cubic yards of organic soils. The project will also require the importation of approximately 325,000 cubic yards of soil for general site filling for the sub-base under paving and to raise site to equal grades with the adjacent right-of-way and properties, to provide cover for utilities and to achieve the grades necessary for adequate site drainage. Approximately 25,000 cubic yard of excavation and backfill will be necessary for the installation of utilities. Approximately 80,000 cubic yards of excavation and 15,000 cubic yards of filling are proposed for building footings and storm drainage system construction, respectively. The on-site street construction is estimated to include 75,000 cubic yards of fill and 15,000 cubic yards of excavation.
5. The importation and placement of up to 200,000 cubic yards of fill has previously been authorized by city permit GRA04-0025 from the adjacent wetland mitigation construction site by the Port of Seattle.
6. The applicant's geotechnical report: "Geotechnical Report River Sand 1st Street NE and South 277th Street," Terra Associates Inc. February 4, 2004, contains recommendations related to site development that will be incorporated into the project design. The project has the potential for differential settlement and erosion if precautionary geotechnical recommendations are not followed.
7. This proposal includes importing up to 325,000 cubic yards of material to the site. The temporary truck trips generated by the construction operations will likely cause adverse impacts to traffic operations and Kent and Auburn streets during peak traffic hours and will thus generate increased levels of local suspended particulate emissions. A haul route plan must be prepared with specific traffic control measures and submitted to the appropriate jurisdictions to reduce or avoid impacts.
8. Construction activity will include the on-site grading of existing soils and could result in potential water quality degradation that will be mitigated through the compliance with the development regulations prescribed in the City's Design and Construction Standards.
9. Site preparation and construction activities will generate increased levels of local suspended particulate emissions.
10. The applicant indicates that the project includes construction of impervious surfaces over approximately 50 percent of the site. The construction of paved surfaces will adversely impact the area's water quality unless mitigation measures are implemented

consistent with the guidelines prescribed in the City's Design and Construction standards.

11. Stormwater runoff from the plat will be collected and treated on-site in a system designed in accordance with the City of Auburn Design and Construction standards. Runoff associated with off-site road improvements located in Kent will be designed in accordance with respective design standards. Stormwater will be released to an existing ditch system in King County that flows north and eventually discharges to the Green River. Additional information on the project's storm water system is described in the report: Storm Drainage Report for River Sand PUD, DBM Consulting Engineers, March 31, 2004. The report identifies the existing drainage pattern of the site and the proposed storm drainage system.
12. Impervious surfaces will increase the quantity of storm water discharge from the site. The project's storm drainage facilities must be properly designed and constructed to accommodate the increased runoff in accordance with the guidelines prescribed in the City of Auburn's adopted standards.
13. Lack of maintenance is known to reduce the effectiveness of stormwater collection and treatment facilities, resulting in water quality degradation.
14. The proponent's report: Wetland Assessment of the Bristol Property S 277th Street and West of the Green River, Auburn WA, J.S. Jones Associates Inc., January 31, 2002, revised July 30, 2002 identifies that the site contains two wetlands. Subsequently, the Army Corps of Engineers modified the delineation via a Letter from Gail Terzi to Jeffrey Jones, May 22, 2003 verifying the wetland boundaries in the attached map. The site contained two wetlands: a 1,243 square foot (0.03-acre) wetland at the northwest corner and an 18,655 square foot (0.43-acre) wetland, which is part of a larger off-site wetland at the southwest corner. The letter also noted that the site contained three ditches meeting the definition of "Waters of the U.S". The applicant proposes to retain, protect and avoid filling the on-site wetlands. To protect site wetlands and compensate for the loss of wetland functions, mitigation measures are necessary for the site to be developed.
15. The project also includes filling or floodplain storage excavation up to the edge of the existing wetlands. This earthwork has the potential to result in adverse wetland impacts if the fill is not properly placed and controlled. Under the current condition, the area of the buffer has previously been disturbed and therefore contains limited vegetation.
16. The project could potentially result in disruption to the functions and values of the existing site wetlands by adding pollutants and creating human intrusions not currently present. The provision of a wetland buffer enhanced with dense planting of native vegetation of a sufficient width is necessary to reduce and avoid wetland impacts.
17. To compensate and mitigate the loss of wetland functional values associated with construction disturbance, a conceptual mitigation plan was prepared. Information on the proposed mitigation is contained in the report: Conceptual Wetland Mitigation Plan of

the River Sand Property, J.S. Jones and Associates Inc., revised January 26, 2005. To reduce or avoid impacts, the proposed construction includes observing a fifty (50) foot minimum enhanced buffer around Wetland 1 (Category II) and observing an average of twenty-five (25) foot enhanced buffer around Wetland 2 (Category IV). According to the report, the existing buffer does not contain suitable buffer vegetation and buffer enhancement is proposed as a result. The enhancement around Wetland 1 (approximately 68,836 square feet including the adjacent Tract J) and the buffer enhancement around Wetland 2 (approximately 8,034 square feet) will be replanted with native trees and shrubs to create a forested community with habitat structures added. The enhancement of Wetland 2, itself, by replanting is also proposed.

18. The proposed excavation, modification of ground surface and impervious surface construction proximate to the sites wetlands could potentially result in disruption to the functions and values of the existing site wetlands by altering hydrologic support. An analysis of the potential hydrologic changes and implementation of enhancement recommendations is necessary to reduce and avoid wetland impacts. The report Conceptual Wetland Mitigation Plan of the River Sand Property, J.S. Jones and Associates Inc., revised January 26, 2005. states: "Wetland 2 may require supplemental hydrology I order to match the pre and post hydrology condition. Pre and post hydrologic calculation will be provided by the civil engineer at the time of final engineering."
19. To help ensure the long-term preservation of the wetland mitigation area and to discourage the uncontrolled intrusion of humans into the wetland mitigation area, mitigation signage and easement will be required.
20. Based on current FEMA maps, the site contains 100-year flood plain associated with the Green River. The hydraulic connection to the River is located north of the site. Unless a FEMA map amendment is secured to eliminate the on-site portion of floodplain, a flood zone control permit will be required by the City to complete the project as proposed.
21. The proposed development will include placement of compacted fill within the floodplain thereby increasing runoff and reducing the site's floodwater storage capacity. The proposed earthwork will result in floodwater displacement and potential off-site flooding impact if mitigation measures are not implemented. The project would either provide 100% compensatory storage on-site through excavation of areas southwest of Wetland 1 or through construction of compensatory storage on the Port of Seattle property to the south by others.
22. A portion of the eastern boundary of the site is adjacent to the Green River. King County property intervenes along the remaining portion of the eastern property boundary. There are on-site areas along the eastern boundary within 200 feet of the ordinary high water mark that therefore are within areas subject to the "Conservancy" designation of the City's Shoreline Management Program. According to the plat and environmental checklist application, this area of shoreline jurisdiction is proposed to remain undisturbed with this project and dedicated to the City for future recreational use.

23. While the site contains limited vegetation due to previous agricultural use, the proposed development action will eliminate vegetation over the majority of the site. The measures to provide wetland buffering, and revegetation of the site with code-required landscaping will assist in reducing impacts to vegetative and wildlife resources.
24. A report was prepared to evaluate the presence or likely presence of any hazardous materials. The report: "Phase I Environmental Site Assessment Proposed River Sand Estates Southeast Corner of the Northeast I Street and South 277th Street", The Riley Group, August 8, 2003, indicates none were found.
25. Concurrent with the plat and PUD applications, the applicant has requested deviations for street standards, a variance from rear yard setbacks and a modification to plat standards related to park land dedication.
26. The proponent prepared a historic and cultural resources study: "Archaeological and Historical Resources Survey of the Proposed River Sand PUD, King County, Washington," Entrix Inc., August 10, 2004. The investigation did not discover any historically significant resources, but identifies that the site's potential to contain archaeological resources cannot be discounted. Based upon the moderate to high probability of resources, the study recommends development of a construction monitoring plan and future monitoring of ground disturbing activities. If any items of possible cultural or historic significance are encountered during construction activities, work will be halted and the contractor must contact the proponent, the City of Auburn, the Muckleshoot Cultural Program and the State Office of Archaeology and Historic Preservation immediately.
27. The Traffic Impact Analysis River Sand PUD, was prepared by Transportation Consulting Northwest, April 12, 2004. The report was revised June 24, 2004 and supplemented on September 27, 2004. This analysis with subsequent revisions and supplements concludes that the proposed project will generate 254 PM peak hour trips including 165 entering and 89 exiting trips in the PM peak hour based on the identified trip rate during an average weekday.
28. At the time of final plat approval, this development can meet Comprehensive Plan Policy TR 13 by providing a permanent boulevard-type road approach to S 277th Street from the plat as approved by the City Engineer. The boulevard shall have a divided roadway with central landscape median. This access shall include a temporary traffic signal at the intersection of the boulevard approach and S 277th Street. In addition, prior to the issuance of a building permit for the equivalent of the 76th single family unit within the plat, the applicant shall financially secure the completion of a second permanent access route consisting of the construction of a 24-foot wide paved roadway with adequate shoulder and storm drainage provisions along the east-west alignment of a new 49th/51st NE between the proposed boulevard and the new "I" Street alignment and the new "I" Street NE between 49th Street NE and S 277th Street, plus a span wire traffic signal at the intersection of the new "I" Street NE and S 277th Street. When the second permanent access route is constructed, the intersection of the Boulevard approach and

S 277th Street shall have the temporary traffic signal removed and permanent channelization shall be installed on S 277th Street at the intersection in order to prevent left turns into and out of the plat. The applicant shall pay to the City \$495,000, which in addition to the development's normal traffic impact fees, provides adequate funding to secure the second permanent access route improvements and related improvements. In the event the City's traffic impact fees are increased prior to payment of the \$495,000, this mitigation fee may be correspondingly decreased.

29. Notice of the future second permanent access route and the future intersection modifications (the future removal of the temporary traffic signal at the intersection of the Boulevard approach and S 277th Street and the installation of permanent channelization on S 277th Street to prevent left turns into and out of the plat, described above) shall be recorded on the face of the plat and on each individual property title within the plat. In addition to this notice, adequate on-site signage of such future traffic improvements must be provided as directed by the City.
30. At the time of plat construction secondary emergency access shall also be provided to the plat from S 277th Street by means of the establishment of one or more emergency accesses a minimum of 20 feet in width. These secondary emergency accesses shall prohibit general traffic use through the use of gates or bollards to the satisfaction of the Fire Marshal and City Engineer.
31. While initially the internal road lengths will exceed city policies related to the length for dead-end roads without providing for secondary access connection until the 49th/51st Street extension is constructed, financially guaranteeing construction of a second access point at the 76th dwelling unit will minimize the impacts to a point of non-significance.
32. The City of Auburn adopted a Transportation Impact Fee under Ordinance No. 5506. The traffic impact fee is collected at the time of building permit.
33. The applicant must obtain right-of-way use permits from Kent in order to construct frontage improvements, temporary signalization and street access to S 277th Street within Kent's jurisdiction.
34. The proposal is located in the Kent School District. The City has an interlocal agreement with the Kent School District to collect impact fees on their behalf.
35. An existing METRO sewer line exists within the S 277th Street right-of-way with a 12-inch stub to the south side of the street. 8-inch mains are proposed to be extended within the project's roadways to serve the lots. The project may necessitate the use of grinder pumps for a few of the single-family homes that cannot be served by gravity. As per the Sanitary Sewer Comprehensive Plan Chapter 5 "Alternative Sewage Disposal Systems" which states: "It is the City's policy to transport sewage by gravity as the most cost-effective method. Alternative pressure systems should be permitted only in those circumstances when a gravity system would be impractical, unreasonably expensive, environmentally destructive or otherwise infeasible. "

36. Currently no water lines exist in the project vicinity. In order to provide water service to the project, the proponent will at a minimum construct a new 12-inch pipeline along S 277th Street from Auburn Way N to a point along the north property boundary sufficient for construction of a looped water system in accordance with the improvements identified within the City's Comprehensive Water Plan (Improvement number DS-603-108,109).
37. In order to meet city policies and standards for water system reliability and multiple directional flows, prior to any Final Plat approval, the applicant shall financially secure the completion of a second 12-inch off-site waterline for completion of the looping of waterlines to meet the Water Comprehensive Plan Level of Service criteria. The Water Comprehensive Plan Improvements would consist of approximately 1,200 linear-feet of 12-inch waterline along the proposed extension of "I" Street NE from 45th Street NE to 49th Street NE and approximately 1,300 linear-feet of 12-inch waterline along an east west alignment of a new 49th/51st NE between the proposed new "I" Street alignment and the River Sands Development west property line. The applicant shall pay to the City \$82,000, which combined with the development's normal System Development Charges, provides adequate funding to secure the second permanent water system improvements. In the event the City's Water System Development charges are increased prior to payment of the \$82,000, this mitigation fee may be correspondingly decreased. The water line construction will need to be coordinated with the City of Kent since the right-of-way is within their jurisdiction.
38. The "Final Staff Evaluation for Environmental Checklist No. SEP04-0037" is hereby incorporated by reference as though set forth in full.

CONCLUSIONS OF LAW:

Staff has concluded that a MDNS may be issued. This is based upon the environmental checklist and its attachments, and the "Final Staff Evaluation for Environmental Checklist". The MDNS is supported by Plans and regulations formally adopted by the City for the exercise of substantive authority under SEPA. The following are City adopted policies, which support the MDNS:

1. The City shall seek to ensure that land not developed or otherwise modified in a manner which will result in or significantly increase the potential for slope slippage, landslide, subsidence or substantial soil erosion. The City's development standards shall dictate the use of Best Management Practices to minimize the potential for these problems (Policy EN-64, Auburn Comprehensive Plan (ACP)).
2. Where there is a high probability of erosion, grading should be kept to a minimum and disturbed vegetation should be restored as soon as feasible. The City's development standards shall dictate the use of Best Management Practices for clearing and grading activity (Policy EN-65, ACP).

3. Large scale speculative filling and grading activities not associated with a development proposal shall be discouraged as it reduces a vegetated site's natural ability to provide erosion control and biofiltration, absorb storm water and filter suspended particulates. In instances where speculative filling is deemed appropriate, disturbed vegetation shall be restored as soon as possible and appropriate measures to control erosion and sedimentation until the site is developed shall be required (Policy EN-67, ACP).
4. The City shall seek to secure and maintain such levels of air quality as will protect human health, prevent injury to plant and animal life, prevent injury to property, foster the comfort and convenience of area inhabitants, and facilitate the enjoyment of the natural attractions of the area (Policy EN-16, ACP).
5. The City shall encourage the retention of vegetation and encourage landscaping in order to provide filtering of suspended particulates (Policy EN-18, ACP).
6. The City shall consider the impacts of new development on air quality as a part of its environmental review process and require any appropriate mitigating measures (Policy EN-20, ACP).
7. Stormwater drainage improvement projects that are proposed to discharge to groundwater, such as open water infiltration ponds, shall provide for surface water pretreatment designed to standards outlined in the Washington State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin. Drainage improvement projects that may potentially result in the exchange of surface and ground waters, such as detention ponds, shall also incorporate these standards. [Policy EN-2, Auburn Comprehensive Plan (ACP)]
8. The City shall seek to minimize degradation to surface water quality and aquatic habitat of creeks, streams, rivers, ponds, lakes and other water bodies; to preserve and enhance the suitability of such water bodies for contact recreation and fishing and to preserve and enhance the aesthetic quality of such waters by requiring the use of current Best Management Practices for control of stormwater and non-point runoff. (Policy EN-3, ACP)
9. The City will regulate any new storm water discharges to creeks, streams, rivers, ponds, lakes and other water bodies with the goal of no degradation of the water quality or habitat of the receiving waters, and where feasible seek opportunities to enhance the water quality and habitat of receiving waters. (Policy EN-4, ACP)
10. The City will seek to ensure that the quality of water leaving the City is of equivalent quality to the water entering. This will be accomplished by emphasizing prevention of pollution to surface and ground waters through education programs and implementation and enforcement of Best Management Practices. (Policy EN-11, ACP)
11. The City shall consider the impacts of new development on water quality as part of its environmental review process and require any appropriate mitigating measures. Impacts on fish resources shall be a priority concern in such reviews. (EN-13, ACP)

12. The City shall consider the impacts of new development on hazards associated with soils and subsurface drainage as a part of its environmental review process and require any appropriate mitigating measures. (Policy EN-71, ACP)
13. Stormwater drainage improvement projects that are proposed to discharge to groundwater, such as open water infiltration ponds, shall provide for surface water pretreatment designed to standards outlined in the Washington State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin. Drainage improvement projects that may potentially result in the exchange of surface and ground waters, such as detention ponds, shall also incorporate these standards. (Policy EN-2, ACP)
14. Where possible, streams and river banks should be kept in a natural condition, and degraded streambanks should be enhanced or restored. (Policy EN-6, ACP)
15. The City's design standards shall ensure that the post development peak stormwater runoff rates do not exceed the predevelopment rates. (Policy EN-10, ACP)
16. The City will seek to ensure that the quality of water leaving the City is of equivalent quality to the water entering. This will be accomplished by emphasizing prevention of pollution to surface and ground waters through education programs and implementation and enforcement of Best Management Practices. (Policy EN-11, ACP)
17. The City shall consider the impacts of new development on water quality as part of its environmental review process and require any appropriate mitigating measures. Impacts on fish resources shall be a priority concern in such reviews. (Policy EN-13, ACP)
18. The City shall require the use of Best Management Practices to enhance and protect water quality as dictated by the City's Design and Construction Standards and the Washington State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin. In all new development, approved water quality treatment measures that are applicable and represent the best available science or technology shall be required prior to discharging storm waters into the City storm drainage system or into environmentally sensitive areas (e.g. wetlands, rivers, and groundwater.) (Policy EN-14, ACP)
19. The City recognizes that new development can have impacts including, but not limited to, flooding, erosion and decreased water quality on downstream communities and natural drainage courses. The City shall continue to actively participate in developing and implementing regional water quality planning and flood hazard reduction efforts within the Green River, Mill Creek and White River drainage basins. The findings and recommendations of these regional efforts, including, but not limited to, the "Draft" Special Area Management Plan (SAMP) for the Mill Creek Basin, the "Draft" Mill Creek Flood Control Plan, the Green River Basin Program Interlocal Agreement, and the Mill

Creek Water Quality Management Plan, shall be considered by the City as City programs and plans are developed and updated. (Policy EN-15, ACP)

20. The City recognizes the value and efficiency of utilizing existing natural systems (e.g., wetlands) for storm water conveyance and storage. However, these natural systems can be severely impacted or destroyed by the uncontrolled release of contaminated storm waters. Prior to utilizing natural systems for storm drainage purposes, the City shall carefully consider the potential for adverse impacts through the environmental review process. Important natural systems shall not be used for storm drainage storage or conveyance, unless it can be demonstrated that adverse impacts can be adequately mitigated to a less than significant level. (Policy EN-16, ACP)
21. The City recognizes that stormwater treatment facilities do not function efficiently unless maintained. The City shall strive to ensure that public and private stormwater collection, detention and treatment systems are properly maintained and functioning as designed. (Policy EN-17, ACP)
22. The City shall seek to protect any unique, rare or endangered species of plants and animals found within the City by preventing the indiscriminate and unnecessary removal of trees and groundcover; by promoting the design and development of landscaped areas which provide food and cover for wildlife; and by protecting and enhancing the quality of aquatic habitat (Policy EN-23, ACP).
23. The City shall consider the impacts of new development on the quality of land, known or suspected fish and wildlife habitats (Map 9.2) and vegetative resources as a part of its environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention of significant habitats and the use of native landscape vegetation. (Policy EN-24, ACP)
24. The City recognizes the important biological and hydrological roles that wetlands play in providing plant and animal habitat, protecting water quality, reducing the need for man-made flood and storm drainage systems, maintaining water quality, and in providing recreational, open space, educational and cultural opportunities. The City will consider these roles and functions in all new development and will also pursue opportunities to enhance the existing wetland system when these multiple benefits can be achieved. (Policy EN-27, ACP)
25. The City recognizes that wetlands provide varying degrees of biological and hydrological functions and values to the community depending on the size, complexity and location of the individual system, and that the overall degree of functions and values should be considered when reviewing proposals which impact wetlands. In a similar manner, the levels of protection afforded to a wetland shall be consistent with its existing function and values. The City shall continue to promote policies and practices of enhancing the wetlands that are hydraulically connected to the river systems to improve fish resources and aquatic habitat. (Policy EN-28, ACP)

26. The City shall consider the impacts of new development on the quality of wetland resources as part of its environmental review process and shall require appropriate mitigation and monitoring measures of important wetland areas. Such mitigation may involve conservation, enhancement or restoration or replacement of important wetlands, and provisions for appropriate buffering. The goal of the mitigation should be no net loss of wetland functions and values. A permanent deed restriction shall be placed on any wetlands created or enhanced to ensure that they are preserved in perpetuity. (Policy EN-29, ACP)
27. Wetlands which are associated with a river or stream, or provide significant plant and animal habitat opportunities are recognized by the City as the most important wetland systems, and shall receive the highest degree of protection and mitigation through conservation, enhancement or relocation measures. Wetlands which are limited in size, are isolated from major hydrological systems or provide limited hydrological or plant and animal habitat opportunities may be considered by the City for development and displacement in conjunction with appropriate mitigation. (Policy EN-30, ACP)
28. The City shall seek to protect human health and safety and to minimize damage to the property of area inhabitants by minimizing the potential for and extent of flooding or inundation. (Policy EN-57, ACP)
29. Flood prone properties outside of the floodway may be developable provided that such development can meet the standards set forth in the Federal flood insurance program. (Policy EN-58, ACP)
30. Site plan review shall be required under SEPA for any significant (e.g. over the SEPA threshold) development in the flood plain. Appropriate mitigating measures shall be required whenever needed to reduce potential hazards. (Policy EN-60, ACP)
31. The City shall enact ordinances and review development proposals in a manner which restricts and controls the discharge of storm water from new development. At a minimum the peak discharge rate after development shall not exceed the peak discharge rate before development. (Policy EN-62, ACP)
32. The City's development standards should require control and management of storm waters in a manner which minimizes impacts from flooding. (Policy EN-63, ACP)
33. The City shall consider the impacts of new development on frequently flooded areas (Map 9.5) as part of its environmental review process and require any appropriate mitigating measures. As part of this review process, flood engineering and impact studies may be required. Within FEMA designated 100 year floodplains and other designated frequently flooded areas, such mitigation may include flood engineering studies, the provision of compensatory flood storage, floodproofing of structures, elevating of structures, and downstream or upstream improvements. (Policy EN-64, ACP)

34. Developers in floodprone areas shall provide geotechnical information which identifies seasonal high groundwater elevations for a basis to design stormwater facilities in conformance with City design criteria. (Policy EN-67, ACP)
35. The City recognizes the important benefits of native vegetation including its role in attracting native wildlife, preserving the natural hydrology, and maintaining the natural character of the Pacific Northwest region. Native vegetation can also reduce the use of pesticides (thereby reducing the amount of contaminants that may enter nearby water systems) and reduce watering required of non-native species (thereby promoting conservation). The City shall encourage the use of native vegetation as an integral part of public and private development plans through strategies that include, but are not limited to, the following:
 - Encouraging the use of native plants in street landscapes and in public facilities.
 - Providing greater clarity in development regulations in how native plants can be used in private development proposals.
 - Pursuing opportunities to educate the public about the benefits of native plants. (Policy EN-33, ACP)
36. Development regulations shall emphasize the use of native plant materials that complement the natural character of the Pacific Northwest and which are adaptable to the climatic hydrological characteristics of the region. Regulations should provide specificity as to native plant types in order to facilitate their use. (Policy EN-33A, ACP)
37. The City shall discourage the unnecessary disturbance of natural vegetation in new development. (Policy EN-34, ACP)
38. The City shall encourage the use of water conserving plants in landscaping for both public and private projects. (Policy EN-35, ACP)
39. The City shall seek to retain as open space those areas having a unique combination of open space values, including: separation or buffering between incompatible land uses; visual delineation of the City or a distinct area or neighborhood of the City; unusually productive wildlife habitat; floodwater or storm water storage; storm water purification; recreational value; historic or cultural value; aesthetic value; and educational value. (Policy PR-7, ACP)
40. The City shall seek to retain as open space those areas that provide essential habitat for any rare, threatened or endangered plant or animals species. (Policy PR-9, ACP)
41. The City shall encourage development which maintains and improves the existing aesthetic character of the community. (Policy UD-1, ACP)
42. Storm drainage facilities shall incorporate high standards of design to enhance the appearance of a site, preclude the need for security fencing, and serve as an amenity. The design of above ground storage and conveyance facilities should address or incorporate landscaping utilizing native vegetation, minimal side slopes, safety, maintenance needs, and function. The facilities should be located within rear or side

yard areas and the design should preclude the need for security fencing whenever feasible. (Policy UD-6, ACP)

43. The visual impact of large new developments should be a priority consideration in their review and approval. (Policy UD-9, ACP)
44. All new development shall be required to underground on-site utility distribution service and telecommunication lines. (Policy UD-12, ACP)
45. The City shall seek to minimize the exposure of area inhabitants to excessive levels of light and glare. Performance measures for light and glare exposure to surrounding development should be adopted and enforced. (Policy EN-43, ACP)
46. The City shall encourage development, which maintains or improves the existing aesthetic character of the community (Policy UD-1, ACP).
47. Storm drainage facilities shall incorporate high standards of design to enhance the appearance of a site, preclude the need for security fencing, and serve as an amenity. The design of above ground storage and conveyance facilities should address or incorporate landscaping utilizing native vegetation, minimal side slopes, safety, maintenance needs, and function. The facilities should be located within rear or side yard areas and the design should preclude the need for security fencing whenever feasible. (Policy UD-6, ACP)
48. The visual impact of large new developments should be a priority consideration in their review and approval (Policy UD-9, ACP).
49. All new development shall be required to underground on-site utility distribution, service and telecommunication lines (Policy UD-12, ACP).
50. The City shall encourage the protection, preservation, recovery and rehabilitation of significant archaeological resources and historic sites. (Policy HP-1, ACP)
51. The City shall consider the impacts of new development on historical resources as a part of its environmental review process and require any appropriate mitigating measures. (Policy HP-3, ACP)
52. Improvements that serve new developments will be constructed as a part of the development process. All costs will be borne by the development when the proposed new streets serve the development. In some instances, the City may choose to participate in this construction where improvements serve more than adjacent developments. The City will encourage the use of LIDs, where appropriate and financially feasible, and to facilitate their development. The City will consider developing a traffic impact fee system (Policy TR-23, ACP).

53. The City shall consider both the transit impacts and the opportunities presented by major development proposals when reviewing development under the State Environmental Policy Act. (Policy TR-30, ACP)
54. The City shall explore opportunities to promote alternatives to single occupancy vehicle travel, including carpooling and vanpooling, walking, biking, and other non-motorized modes. (Policy TR-32, ACP)
55. New developments shall incorporate non-motorized facilities that meet City standards, provide connectivity to adjacent communities, public facilities, and major shopping centers, and that are consistent with the Non motorized Plan and the Land Use Plan (Policy TR-35, ACP).
56. Encourage pedestrian-oriented design features in all development. (Policy TR-37, ACP)
57. The City shall encourage consideration of the needs of pedestrians in all public and private development. (Policy TR-52, ACP)
58. The City shall require developers to construct storm drainage improvements directly serving the development, including any necessary off-site improvements. (Policy CF-38, ACP)
59. The City shall require that storm drainage improvements needed to serve new development shall be built prior to or simultaneous with such development, according to the size and configuration identified by the Drainage Plan and Comprehensive Plan as necessary to serve future planned development. The location and design of these facilities shall give full consideration to the ease of operation and maintenance of these facilities by the City. The City should continue to use direct participation, LIDs and payback agreements to assist in the financing of off-site improvements required to serve the development. (Policy CF-39, ACP)
60. Individual development projects shall provide the following minimal improvements in accordance with established City standards:
 - a. Full standard streets and sidewalks in compliance with the Americans with Disabilities Act.
 - b. Adequate off street parking for employees and patrons.
 - c. Landscaping.
 - d. Storm drainage.
 - e. Water.
 - f. Sanitary sewers.
 - g. Controlled and developed access to existing and proposed streets. (Policy LU-106, ACP)
61. An efficient transportation system seeks to spread vehicle movements over a series of planned streets. The goal of the system is to encourage connectivity while preventing unacceptably high traffic volumes on any one street. Ample alternatives should exist to

accommodate access for emergency vehicles. For these reasons the City will continue to plan a series of collector-arterials and arterials designed to national standards to provide efficient service to the community. Ample alternatives should also exist to accommodate non-motorized transportation on collector-arterials and arterials, on local roads within and between subdivisions, and on non-motorized pathways.

A.. Definitions

1. Dead end street: Street that accesses the roadway system only at one end. Dead end streets are permanent conditions and should end in a cul-de-sac where appropriate.
2. Stub end street: Dead end street that is planned to be extended and connected to future streets in an adjacent development. Depending on its length, it may or may not require a temporary cul-de-sac.

B. Access in new development:

1. The internal local residential street network for a subdivision should be designed to discourage regional through traffic and non-residential traffic from penetrating the subdivision or adjacent subdivisions. Local residential streets shall not exceed 1,300 feet in length between intersections and shall not serve more than 75 dwelling units.
2. Where possible, streets shall be planned, designed and constructed to connect to future development. All stub end streets shall be properly protected by traffic barriers in a manner that complies with the requirements of the Manual of Uniform Traffic Control Devices.
3. Dead end streets shall not be more than 600 feet in length. Dead end streets ending in permanent cul-de-sacs shall serve a maximum of 25 dwelling units. When applicable, non-motorized paths shall be provided at the end of the street to shorten walking distances to an adjacent arterial or public facilities including, but not limited to, schools or parks.
4. Residential developments should be planned in a manner that minimizes the number of local street accesses to arterials and collector-arterials. Residential developments with greater than 75 dwelling units, including single family developments, multi-family developments or any combination thereof, shall have a minimum of two accesses to either a collector-arterial or an arterial. Residential developments with less than 75 dwelling units, including single family developments, multi-family developments or any combination thereof, may limit general access to one access to a collector-arterial or arterial. Developments with between 25 and 75 dwelling units shall also provide a second access route to a collector-arterial or an arterial for emergency vehicle access.

C. Access to existing areas:

To promote efficient connectivity between areas of the community, existing stub end streets shall be linked to other streets in new development whenever the opportunity arises.

D. Acceptable traffic volumes:

Projected trip generation shall be calculated based on the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Stub end streets shall not be linked to a new street if the connection is likely to result in traffic volumes which will exceed acceptable volumes for the road's classification. These volumes are defined by the City of Auburn's Comprehensive Transportation Plan (chart titled Functional Classification System, Characteristics of the Roadway Function). Local residential stub end streets shall not be extended if the resulting roadway segment will generate more than 750 trips per day based on the current edition of the ITE Trip Generation Manual. Consideration may also be given to the character and nature of the neighborhoods proposed to be connected.

E. Community Notification:

Property owners and tenants adjacent to stub end streets shall be adequately informed of the stub end street functional classification and potential traffic volumes. Methods for such notification should include plat covenants, public roadway signs or other measures. (Policy TR-13, ACP)

62. The City shall encourage and approve development only where adequate public services including police protection, fire and emergency medical services, education, parks and other recreational facilities, solid waste collection, and other governmental services are available or will be made available at acceptable levels of service prior to project occupancy or use. Demand for any City service compared to level of support for such service will also be given substantial consideration when reviewing development proposals (Policy CF-7).
63. No new development shall be approved which is not supported by a minimum of facilities to support the development and which does not provide for a proportionate share of related system needs (CF-13).
64. Provisions shall be made wherever appropriate in any project for looping all dead-end or temporarily dead-end mains. Construction plans must be approved by the appropriate water authority prior to the commencement of construction. Where it is not feasible at the time of approval and installation to loop a water system, in the opinion of the fire department, the loop requirement may be relaxed if the intent of the code is met and a stub is provided on the main for future expansion. (ACC 13.16.090 Dead-end mains prohibited Ord. 3064 § 1, 1976.)
65. The growth impacts of major private or public development which place significant service demands on community facilities, amenities and services, and impacts on the City's general quality of life shall be carefully studied under the provisions of SEPA prior to development approval. Siting of any major development (including public facilities such as, but not limited to, solid waste processing facilities and landfills) shall be carefully and thoroughly evaluated through provisions of SEPA prior to project approval, conditional approval, or denial. Appropriate mitigating measures to ensure conformance with this Plan shall be required. (Policy GP-6, ACP)

CONDITIONS:

The lead agency for this proposal has determined that it does not have probable significant impact on the environment, and an environmental impact statement is not required under R.C.W. 43.21C.030(2)(c), only if the following conditions are met. This decision is made after a review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

1. Prior to the issuance of clearing, grading permits subsequent to permit No. GRA04-0025 issued August 27, 2004, the applicant shall furnish the City of Auburn City Engineer and appropriate City of Kent staff person with a proposed haul route and schedule for hauling soil material to and/or from the site for review and approval by both entities. If, in the opinion of the City representatives, such hauling will adversely impact the street network, hauling hours may be coordinated and limited to appropriate off-peak hours or alternative routes. The haul route plan shall also include a traffic control plan for approval by the City of Kent and the City of Auburn.
2. The recommendations of the geotechnical report "Geotechnical Report River Sand 1st Street NE and South 277th Street", Terra Associates Inc., February 4, 2004, and/or other subsequent site specific soils or geotechnical reports shall be incorporated into clearing, grading and other appropriate construction plans subsequent to permit No. GRA04-0025 issued August 27, 2004, as determined by the City Engineer. Special consideration shall be given to the recommendations for storm pond design identified in the geotechnical report.
3. The applicant's grading plans subsequent to permit No. GRA04-0025 issued August 27, 2004 shall be prepared in conjunction with and reviewed by a licensed geotechnical engineer. The geotechnical engineer shall develop and submit, for the City's review, specific recommendations to mitigate grading activities with particular attention to developing a plan to minimize the extent and time soils are exposed on site and address grading and related activities during wet weather periods.
4. A licensed geotechnical engineer shall monitor on-site rough/preliminary plat grading activities subsequent to permit No. GRA04-0025 issued August 27, 2004 to ensure that the recommendations of the preliminary geotechnical report and any additional conditions or requirements that are implemented. Based on recommendations of the geotechnical report, the geotechnical engineer should review final design and specifications in order to verify that earthwork and foundation recommendations have been properly interpreted and implemented in the project design. The geotechnical services to be provided during construction are to observe compliance with the design concepts, specifications and geotechnical report recommendations.
5. Upon completion of rough grading and excavation, the applicant shall have a geotechnical engineer re-analyze the site and determine if new or additional mitigation measures are necessary. If warranted, a revised geotechnical report shall be submitted to the City of Auburn for review and approval by the City Engineer.

6. Prior to the placement of fill in addition to that authorized by permit No. GRA04-0025 issued August 27, 2004, the City Engineer shall approve the source of the imported fill material for all structural fill and the City Engineer shall approve the source of the imported fill material for all other fill activities.
7. Compaction monitoring and testing shall be required for all fill areas, both structural and non-structural for City review. Compaction reports for structural fill shall be provided to the City Engineer for review prior to acceptance.
8. Prior to issuance of grading permits subsequent to permit No. GRA04-0025 issued August 27, 2004, a wetland hydroperiod analysis shall be submitted to the City for review and approval. The analysis shall include a pre-developed analysis of the existing hydrologic volume tributary to the wetlands, and post-developed volumes from tributary areas directed to the wetlands. A wetland biologist shall be consulted to verify the appropriate hydrologic support necessary to maintain existing wetland's function and value. If augmentation is warranted to reduce or avoid impacts, rooftop drainage or other acceptable means can be directed to the wetlands at a volume approximating existing conditions to maintain hydrologic support of the wetlands. A monitoring plan/program shall also be developed for City review and approval.

The Department of Ecology's Stormwater Management Manual for Western Washington (Ecology 2001) will provide guidance for performing the wetland hydroperiod analysis, information on maximum acceptable hydroperiod alterations, recommendation for reducing development impacts on wetland hydroperiod and water quality, recommendation for flow control and treatment for stormwater discharges to wetlands and recommendation for post development wetland monitoring.

9. Prior to approval of the grading permit subsequent to permit No. GRA04-0025 issued August 27, 2004, (or approval of half-street improvements to S 277th Street unless it is demonstrated to the satisfaction of the Planning Director that the half-street improvements will not result in wetland filling) a final wetland mitigation plan shall be prepared and submitted for review and approval by the Planning Director and Public Works Directors. The plan shall be approved prior to the issuance of the subsequent grading permits or other construction permits. If applicable, the plan shall identify the amount of wetland impact associated with half-street improvements to S 277th Street and any associated wetland mitigation.

The plan shall include the proposed construction sequence, grading and excavation details, erosion and sedimentation control features needed, planting plans specifying species, quantities, locations size, spacing, and density, source of plant materials, propagules and seeds, water and nutrient requirements for plants and water level maintenance practices. Mitigation for reduction in wetland functions from the disturbance and increased proximity of development shall consist of enhancement of wetland buffers. Wetland mitigation shall be provided in general accordance with recommendations identified in the report: "Conceptual Wetland Mitigation Plan of the River Sand Property", J.S. Jones and Associates Inc., January 26, 2005, as modified by

the Final Staff Evaluation and MDNS. Major elements of the mitigation plan shall include:

- a. A final wetland mitigation plan, report and monitoring program, maintenance plan and contingency plan shall be submitted for review and approval in accordance with the recommendations of the delineation and conceptual mitigation reports, and as modified by the MDNS conditions and Final Staff Evaluation. The plans and supporting hydrologic analysis shall establish goals and objectives to monitor and measure the success of the wetland mitigation project.
- b. The wetland buffers shall be a minimum of fifty (50) feet in width for Wetland 1 and an average of twenty-five (25) feet in width for Wetland 2 and incorporate the following characteristics: areas of flattened slopes (ranging from 4:1 to 6:1 in gradient) adjacent to the wetland edge to provide habitat transition areas; and dense plantings of vegetation native to the northwest that will provide shade and cover for local wildlife. A maintenance plan for the buffer shall also be prepared and submitted concurrently for review and approval.
- c. The wetland enhancement areas shall be designed to include elements of water saturation (hydrology) and be vegetated with obligate, facultative wetland plants or facultative (hydrophytic) vegetation native to the Pacific Northwest. Trees and other vegetation designed to provide food and cover for local wildlife shall be included.
- d. The proponent shall as directed, be required to provide the Auburn Building Official with services of an approved biologist with expertise in wetland buffer enhancement, for purposes of inspecting wetland work activities on the City's behalf for conformance with approved plans and specifications. In addition, the biologist shall be retained for a minimum of five years following completion of all wetlands work to monitor the progress of the enhanced wetlands, and to inspect the replacement of unsuccessful plant and habitat materials in accordance with the approved plans. A minimum of biannual monitoring and inspection and annual reports, indicating achievement of goals and objectives, and project status, shall be filed with the Planning Department throughout the five-year monitoring program, with a final report provided at the end of the monitoring program.
- e. Filling and grading of the site and wetlands mitigation work may occur concurrently. The mitigation construction shall be complete prior to issuance of final plat.
- f. An appropriate security equivalent to 125 percent of the cost of all wetlands mitigation work shall be submitted to the Auburn Building Official prior to the issuance of grading permits, and shall be kept active for a minimum of five years following completion of all wetlands construction in an amount commensurate with the monitoring program and contingency plan. At the end of the monitoring program, the City shall release the security if remedial action is not required.

- g. Following completion and acceptance of all wetlands mitigation work, no clearing, grading or building construction shall occur within the wetlands mitigation area, except as may be authorized by the City of Auburn for: protection of public health, safety and welfare; maintenance purposes, passive recreation improvements or contingency mitigation work.
 - h. The surveyed wetland area shall be clearly indicated on all construction plans approved by the City, indicating the purpose and any limitations on the use of the area. The boundary of the wetland shall be based on the wetland boundary confirmed by the Army Corps of Engineers (ACOE) by letter dated May 22, 2003 (reference: File No. 2002-4-00613) and its buffer shall be staked in 25-foot intervals. This staked line shall continuously remain in place and serve as clearing and construction limits throughout the project for all construction activities adjacent to the wetlands area, or as required by the City.
10. The purpose and intent of the following condition is to discourage the uncontrolled intrusion of humans into the mitigation area, provide a passive recreation opportunity and to ensure long term protection. The following information and improvements shall be provided:
- a. Interpretative signs shall be installed and maintained at 150-foot intervals along the boundary of the wetland buffers. The signs shall be constructed of a permanent and durable material and indicate the wetland restrictions related to the use of the area. The sign locations, construction detail and text shall be specified in the final mitigation plan described in Condition above.
 - b. The wetlands and wetland buffer shall be encumbered by a conservation easement granted to the City of Auburn. The easement shall state that any uses within the easement area shall be as approved by the Planning Director. The uses shall be consistent with the purpose of the wetland and stream buffer and be a general benefit to the public. Evidence that the easement has been executed and recorded is required prior to issuance of any occupancy permits for the site.
11. Unless a FEMA map amendment is approved to eliminate on-site floodplain, prior to issuance of a grading permit authorizing fill placement in the floodplain, the applicant shall prepare and provide for review and approval a Flood Compensation Plan. The plan shall demonstrate how concurrently with site filling, compensatory flood storage will be provided for the project. The flood storage shall be provided incrementally as the flood stage rises from the seasonal low average, up to and including the 100-year flood elevation. The compensatory storage shall be provided at a ratio of 1 to 1 (displacement to replacement). The flood storage must be designed based on seasonal groundwater elevations with appropriate supporting analysis.
12. Unless a FEMA map amendment is approved to eliminate on-site floodplain, the area of the compensatory flood storage and associated access shall be encumbered by a drainage easement granted to the City of Auburn. The easement shall state that any uses within this area shall be as approved by the Planning and Public Works Directors.

The easement language shall be prepared by the proponent and approved by the City and shall convey maintenance and inspection access to the City. Evidence that the easement has been executed and recorded is required to be shown on the final plat.

13. Prior to the issuance of a grading permit that is subsequent to permit number GRA04-0025 issued August 27, 2004 that includes excavation or disturbance of the existing ground surface elevation, the applicant shall prepare a historic/cultural resources monitoring plan as recommended by the report: "Archaeological and Historical Resources Survey of the Proposed River Sands PUD, King County, Washington", Entrix Inc., August 10, 2004. The monitoring plan shall establish a protocol for the inadvertent discovery of human remains. The monitoring plan shall also detail what cultural materials may be expected on-site, qualifications of the on-site monitor; the authority of the on-site monitor to halt excavation/construction activities, a protocol for assigning significance to identified materials and safety requirements for the monitor's activities. A copy of that report shall be provided to OHP, the City and the Muckleshoot Tribe upon its completion. The applicant shall demonstrate to the City of Auburn that the monitoring report recommendations have been addressed prior to commencement of any permitted excavation or disturbance of the existing ground surface elevation.

Also, in accordance with the report's recommendations, an on-site monitor shall be present during excavation or disturbance of the existing ground surface elevation.

14. At the time of final plat approval, this development can meet Comprehensive Plan Policy TR 13 by providing a permanent boulevard-type road approach to S 277th Street from the plat as approved by the City Engineer. The boulevard shall have a divided roadway with central landscape median. This access shall include a temporary traffic signal at the intersection of the boulevard approach and S 277th Street. In addition, prior to the issuance of a building permit for the equivalent of the 76th single family unit within the plat, the applicant shall financially secure the completion of a second permanent access route consisting of the construction of a 24-foot wide paved roadway with adequate shoulder and storm drainage provisions along the east west alignment of a new 49th/51st NE between the proposed boulevard and the new "I" Street NE alignment and the new "I" Street NE between 49th Street NE and S 277th Street, plus a span wire traffic signal at the intersection of the new "I" Street NE and S 277th Street. When the second permanent access route is constructed, the intersection of the Boulevard approach and S 277th Street shall have its temporary traffic signal removed and permanent channelization shall be installed on S 277th Street at the intersection to prevent left turns into and out of the plat. The applicant shall pay to the City \$495,000, which in addition to the development's and normal traffic impact fees, provides adequate funding to secure the second permanent access route improvements and related improvements. In the event the City's traffic impact fees are increased prior to payment of the \$495,000, this mitigation fee may be correspondingly decreased.
15. Notice of the future second permanent access route and the future intersection modifications (The future removal of the temporary traffic signal at the intersection of the Boulevard approach and S 277th Street and the installation of permanent channelization installed on S 277th Street to prevent left turns into and out of the plat, described in

condition number 14, above) shall be recorded on the face of the plat and on each individual property title within the plat. In addition to this notice, adequate on-site signage of such future traffic improvements will be provided as directed by the City.

16. At the time of plat construction secondary emergency access shall also be provided to the plat from S 277th Street by means of the establishment of emergency accesses a minimum of 20 feet in width from S 277th Street. These traffic accesses shall prohibit general traffic use through the use of gates or bollards to the satisfaction of the Fire Marshal and City Engineer.
17. Prior to any Final Plat approval, the applicant shall financially secure the completion of a 12-inch off-site waterline for completion of the looping of waterlines to meet the Water Comprehensive Plan Level of Service criteria. The Water Comprehensive Plan Improvements would consist of approximately 1,200 linear-feet of 12-inch waterline along the proposed extension of "I" Street NE from 45th Street NE to 49th Street NE and approximately 1,300 linear-feet of 12-inch waterline along an east west alignment of a new 49th/51st NE between the proposed new "I" Street NE alignment and the River Sands Development west property line. The applicant shall pay to the City \$82,000, which combined with the development's normal System Development Charges, provides adequate funding to secure the second permanent water system improvements. In the event the City's Water System Development charges are increased prior to payment of the \$82,000, this mitigation fee may be correspondingly decreased.

Any person aggrieved of the City's determination may file an appeal with the Auburn City Clerk within 21 days of issuance of a final determination. Copies of the final determination, specifying the appeals deadline, can be requested or obtained from the Department of Planning and Community Development.

RESPONSIBLE OFFICIAL:
POSITION/TITLE:

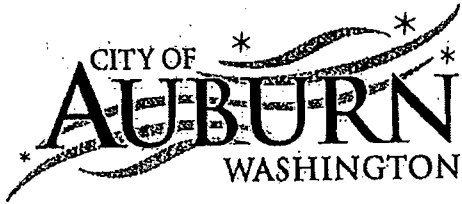
Paul Krauss, AICP
Director of the Department of
Planning & Community Development
25 West Main Street
Auburn, Washington 98001
(253) 931-2090

ADDRESS:

DATE ISSUED: June 2, 2005

SIGNATURE: 

Any person aggrieved of this final determination may file an appeal with the Auburn City Clerk within 21 days of the date of issuance of this notice. All appeals of the above determination must be filed by 5:00 P.M. on June 23, 2005 with required fee.



CERTIFICATE OF IMPROVEMENTS

FINAL PLAT APPLICATION
FAC05-0028

COMPLETION OF IMPROVEMENTS

The required improvements for the Final Plat of _____
have been completed in accordance with the Land Division Ordinance and the City of
Auburn's standards and specifications.

City Engineer

Date

SECURITY IN LIEU OF COMPLETION

In lieu of the required public improvements for the Final Plat of River Sand aka
Trail Run, Phase 3, an approved Letter of Credit adequate to cover \$63,365.75
(150% of the estimated costs of improvements), is on file and approved by the City
Engineer.

Dennis Sells
City Engineer

11/13/09
Date

1. The developer has provided references and demonstrated a minimum of 3 years
successful, non-defaulted plat development experience in the Puget Sound region.
2. The financial security is based on the following costs:

Scope of Work – One Activity Only:

Division 3 Improvements: \$63,365.75 which includes top lift of asphalt and raise
utilities to grade.